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No. 49] NEW DELHI, SATURDAY, DECEMBER 3, 1983/AGRAHAYANA 12, 1905

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके

Separate paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा जारी किये गये सांविधिक आदेश और अधिसूचनाएं

Statutory Orders and Notifications issued by the Ministries of the Government of India
(other than the Ministry of Defence)

विधि, न्याय और कम्पनी कार्य मंत्रालय

(विधि कार्य विभाग)

नई दिल्ली, 25 अक्टूबर, 1983

सूचना

का०आ० 4349:—नोटरीज नियम, 1956 के नियम 6 के अनुसरण के सक्षम प्राधिकार: द्वारा यह सूचना दी जाती है कि श्री अमरनाथ डाद, एडवोकेट 6-पोस्ट ऑफिस स्ट्रीट कलकत्ता ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया जा रहा है कि उसे नोटरी व्यवसाय करने के लिए नोटरी के रूप में नियुक्त किया जाए।

2. उक्त व्यक्ति को नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के तत्पश्चात् दस दिनों के भीतर लिखित रूप में मेर पास भेजा जाए।

[मं० 5/83/83-न्या०]

एम० गुप्ता, सक्षम प्राधिकारी

MINISTRY OF LAW, JUSTICE & COMPANY AFFAIRS
(Department of Legal Affairs)

New Delhi, the 25th October, 1983

NOTICE

S.O. 4349.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries Rules, 1956, that application has been made to the said Authority, under rule 4 of the said Rules, by Shri Amar Nath Dawn, Advocate, 6-Old Post Office Street, Calcutta-1, for appointment as a Notary to practise in North and Central Calcutta.

2 Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(83)/83-J]

S. GOOPTU, Competent Authority

गृह मंत्रालय

नई दिल्ली, 14 नवम्बर, 1983

का० आ० 4350—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में गृह मंत्रालय के निम्नलिखित कार्यालयों को, जिनके कर्मचारी-बन्द ने हिन्दी

को कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

1. कार्यालय, कमांडेंट-ग्रुप केन्द्र, केन्द्रीय रिजर्व पुलिस बल, दीमापुर (नागालैण्ड)।
2. कार्यालय, कमांडेंट-23 बटालियन, केन्द्रीय रिजर्व पुलिस बल, मार्फत 99 (ए पी ओ)।
3. पुलिस उन महानिरीक्षक, केन्द्रीय रिजर्व पुलिस बल, (इम्फाल)
4. 12 बटालियन, केन्द्रीय रिजर्व पुलिस बल।
5. 18 बटालियन, केन्द्रीय रिजर्व पुलिस बल।
6. 19 बटालियन, केन्द्रीय रिजर्व पुलिस बल।
7. 28 बटालियन, केन्द्रीय रिजर्व पुलिस बल।
8. 29 बटालियन, केन्द्रीय रिजर्व पुलिस बल।
9. 32 बटालियन, केन्द्रीय रिजर्व पुलिस बल।
10. 42 बटालियन, केन्द्रीय रिजर्व पुलिस बल।
11. 51 बटालियन, केन्द्रीय रिजर्व पुलिस बल।
12. 58 बटालियन, केन्द्रीय रिजर्व पुलिस बल।
13. 63 बटालियन, केन्द्रीय रिजर्व पुलिस बल।
14. 65 बटालियन, केन्द्रीय रिजर्व पुलिस बल।
15. 69 बटालियन, केन्द्रीय रिजर्व पुलिस बल।
16. ग्रुप केन्द्र, पल्लीपुरम, केन्द्रीय रिजर्व पुलिस बल।
17. ग्रुप केन्द्र, हैदराबाद, केन्द्रीय रिजर्व पुलिस बल।
18. न. 2 बेस अस्पताल, हैदराबाद, केन्द्रीय रिजर्व पुलिस बल।
19. कार्यालय पुलिस उप-महानिरीक्षक, नीमच, केन्द्रीय रिजर्व पुलिस बल।

[सं० 12017/1/83-हिन्दी]

बी० एम० राव, निदेशक।

MINISTRY OF HOME AFFAIRS

New Delhi, the 14th November, 1983

S.O. 4350.—In pursuance of sub-rule (4) of Rule 10 of the Official Languages (use for Official purposes of the Union), Rules, 1976, the Central Government hereby notifies the following offices of the Ministry of Home Affairs the staff whereof have acquired the working knowledge of Hindi :—

1. Office of the Commandant, Group Centre, Central Reserve Police Force, Deemapur (Nagaland)
2. Office of the Commandant, 23 Battalion Central Reserve Police Force, C/o 99 (A.P.O.)
3. Office of the Dy. Inspector General of Police Central Reserve Police Force (Imphal).
4. 12 Battalion, Central Reserve Police Force.
5. 18 Battalion, Central Reserve Police Force.
6. 19 Battalion, Central Reserve Police Force.
7. 28 Battalion, Central Reserve Police Force.
8. 29 Battalion, Central Reserve Police Force.
9. 32 Battalion, Central Reserve Police Force.
10. 42 Battalion, Central Reserve Police Force.
11. 51 Battalion, Central Reserve Police Force.
12. 58 Battalion Central Reserve Police Force.

13. 63 Battalion, Central Reserve Police Force.
14. 65 Battalion, Central Reserve Police Force.
15. 69 Battalion, Central Reserve Police Force.
16. Group Centre, Pallipuram, Central Reserve Police Force.
17. Group Centre, Hyderabad, Central Reserve Police Force.
18. No. 2 Bais Hospital, Hyderabad, Central Reserve Police Force.
19. Office of the Dy. Inspector General of Police Nee-mach, Central Reserve Police Force.

[No. 12017/1/83-Hindi]

B. M. Rao, Director

वित्त मंत्रालय

(राजस्व विभाग)

आदेश

नई दिल्ली, 19 नवम्बर, 1983

स्टाम्प

का०आ० 4351.—भारतीय स्टाम्प अधिनियम 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा ओरिएण्ट पेपर इंडस्ट्रीज लिमिटेड, ब्रजराज-नगर संजयपुर जिला उड़ीसा, को दो लाख सत्तर हजार सोलह रुपये और पचास पैसे के उस समेकित स्टाम्प शुल्क की अदायगी करने की अनुमति देती है जो उक्त कम्पनी जारी किये जाने वाले तीन करोड़ सोलह लाख रुपये अंकित मूल्य के अपरिवर्तनीय सुरक्षित ऋणपत्रों के रूप में बंध पत्रों पर प्रभावी है।

[सं० 33/83-स्टाम्प/का०सं० 33/35/83-वि० कर]

MINISTRY OF FINANCE

(Department of Revenue)

ORDER

New Delhi, the 19th November, 1983

STAMPS

S.O. 4351.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits the Orient Paper Industries Limited, Brajarajnagar, Sambalpur District (Orissa), to pay consolidated stamp duty of two lakhs seventy thousands sixteen rupees and paise fifty only, chargeable on account of the stamp duty on bonds in the form of Non-convertible secured Debenture Certificates of the face value of three crores sixty lakhs of rupees to be issued by the said company.

[No. 33/83-Stamps/F. No. 33/35/83-ST]

स्टाम्प

का०आ० 4352 :—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 20 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और भारत सरकार वित्त मंत्रालय (राजस्व विभाग) की दिनांक 9 अगस्त, 1983 की अधिसूचना संख्या 24/83 स्टाम्प/का०सं० 33/2/83 बिक्री कर (सं० का० आ० 3354) का अधिलेखन करते हुए, केन्द्रीय सरकार नीचे दी गई सारणी के

स्वम्भ (3) में स्टाम्प शुल्क की संगणना के प्रयोजनार्थ उस सारणी के स्वम्भ (2) में तदनुसूची प्रविष्टि में विनि-दिष्ट विदेशी मुद्रा को भारतीय मुद्रा में सम्पत्ति-वर्तित करने के लिए, विनिमय की दर निर्धारित करती है :—

सारणी

क्रम संख्या	विदेशी मुद्रा	100 रुपये के समतुल्य विदेशी मुद्रा के विनिमय की दर
1	2	3
1.	ऑस्ट्रियन शिलिंग	178.7
2.	ऑस्ट्रेलियन डालर	10.775
3.	बेल्जियन फ्रैंक	516.0
4.	कनाडियन डालर	11.900
5.	डेनिश क्रोनर	92.05
6.	ड्यूसे मार्क	25.48
7.	डच गिल्डर	28.52
8.	फ्रेंच फ्रैंक	77.35
9.	हांग कांग डालर	78.60
10.	इतालवी लीरा	15.448
11.	जापानी येन	22.79
12.	मलेशियन डालर	22.67
13.	नार्वेनियन क्रोनर	71.15
14.	पीड स्टर्लिंग	6.5090
15.	स्वीडिश क्रोनर	75.60
16.	स्विस फ्रैंक	20.55
17.	अमरीकी डालर	9.710
18.	सिंगापुर डालर	20.57

[संख्या 34/83-स्टाम्प/फा० सं० 33/2/83 जारी कर]

भगवान दास, अव्वर सचिव

STAMPS

S.O. 4352.—In exercise of the powers conferred by sub-section (2) of section 20 of the Indian Stamp Act, 1899 (2 of 1899), and in supersession of the notification of the Government of India in the Ministry of Finance (Department of Revenue) No. 24/83-Stamp F. No. 33/2/83-ST (No. S.O. 3354), dated the 9th August, 1983, the Central Government hereby prescribes in column (3) of the Table below, the rate of exchange for the conversion of the foreign currency specified in the corresponding entry in column (2) thereof into the currency of India for the purposes of calculating stamp duty

TABLE

S. No.	Foreign currency	Rate of exchange of foreign currency equivalent to 100 Rs. 100/-
(1)	(2)	(3)
1.	Austrian Schilling	178.7
2.	Australian Dollar	10.775
3.	Belgian Francs	516.0
4.	Canadian Dollars	11.900
5.	Danish Kroners	92.05
6.	Deutsche Marks	25.48
7.	Dutch Guilders	28.52
8.	French Francs	77.35
9.	Hong Kong Dollars	78.60
10.	Italian Lire	15.448
11.	Japanese Yen	22.79
12.	Malaysian Dollars	22.67
13.	Norwegian Kroners	71.15
14.	Pound Sterling	6.5090
15.	Swedish Kroners	75.60
16.	Swiss Francs	20.55
17.	U.S.A. Dollars	9.710
18.	Singapore Dollars	20.67

[N. 34/83-Stamp-F.N. 33/2/83-ST
BHAGWAN DAS, Under Secy

नई दिल्ली, 18 नवम्बर, 1983

आय-दर

फा० आ० 4353.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उप खण्ड (3) के अनुसरण में और भारत सरकार के राजस्व विभाग की दिनांक 1-7-80 की अधिसूचना सं० 3505 (फा० सं० 398/9/80-आ० का० सं० क०) का अधिलक्षण करते हुए, केन्द्रीय सरकार के एाद्वारा श्री पी. बी. नलिनाक्षन नायर को, जो केन्द्रीय सरकार के राजपत्रित अधिकारी हैं, उक्त अधिनियम के अन्तर्गत कर वसूली अधिकारी की शक्तियों का प्रयोग करने के लिए प्राधिकृत करती है।

2. यह अधिसूचना, श्री पी० बी० नलिनाक्षन नायर द्वारा कर वसूली अधिकारी के रूप में कार्यभार ग्रहण किए जाने की तारीख से लागू होगी।

[सं० 5468 (फा० सं० 398/13/83-आ० क० ब०)]

New Delhi, the 18th November, 1983

INCOME-TAX

S.O. 4353.—In pursuance of sub-clause (iii) of clause (44) of section 2 of the Income-tax Act, 1961 (43 of 1961), and in supersession of Notification of the Government of India in the Department of Revenue No. 3505(F. No. 398/9/80-ITCC) dated 1-7-1980, the Central Government hereby authorises Shri P. V. Nalinakshan Nair being a gazetted officer of the Central Government, to exercise the powers of a Tax Recovery Officer under the said Act.

2. This Notification shall come into force with effect from the date Shri P. V. Nalinakshan Nair takes over charge as Tax Recovery Officer.

[No. 5468 (F. No. 398/13/83-ITB)]

आयकर

कांआ० 4354.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उप खण्ड (3) के अनुसरण में और भारत सरकार के राजस्व विभाग की दिनांक 13-8-81 की अधिसूचना सं० 4163 (फा० सं० 398/24/81-आ० टी० सी० सी० का अधिलेखन करते हुए, केन्द्रीय सरकार एतद्वारा श्री टी० एन० छाबरिया को, जो केन्द्रीय सरकार के राजपत्रित अधिकारी है, उक्त अधिनियम के अन्तर्गत कर वसूली अधिकारी की शक्तियों का प्रयोग करने के लिए प्राधिकृत करता है।

2. यह अधिसूचना, श्री टी० एन० छाबरिया द्वारा कर वसूली अधिकारी के रूप में कार्यभार ग्रहण किए जाने की तारीख से लागू होगी।

[सं० 5166 (फा० सं० 398/1/83-आ० क० ब०)]

INCOME-TAX

S.O. 4354.—In pursuance of sub-clause (iii) of clause (44) of section 2 of the Income-tax Act, 1961 (43 of 1961) and in supersession of Notification of the Government of India in the Department of Revenue No. 4163(F. No. 398/24/81-ITCC) dated 13th August, 1981 the Central Government hereby authorises Shri T. N. Chhabaria being a Gazetted Officer of the Central Government, to exercise the powers of a Tax Recovery Officer under the said Act.

2. This notification shall come into force with effect from the date of Shri T. N. Chhabaria takes over charge as Tax Recovery Officer.

[No. 5466 (F. No. 398/1/83-ITB)]

आयकर

कांआ० 4355.—आयकर अधिनियम, 1961, (1961 का 43) की धारा 2 के खण्ड (44) के उप खण्ड (3) के अनुसरण में और भारत सरकार के राजस्व विभाग की दिनांक 12-5-1980 की अधिसूचना सं० 3295 (फा० सं० 398/9/80-आ० क० सं० क०) का अधिलेखन करते हुए,

केन्द्रीय सरकार एतद्वारा श्री के० पी० डी० नायर को, जो केन्द्रीय सरकार के राजपत्रित अधिकारी हैं, उक्त अधिनियम के अन्तर्गत कर वसूली अधिकारी की शक्तियों का प्रयोग करने के लिए प्राधिकृत करता है।

2. यह अधिसूचना, श्री के० पी० डी० नायर द्वारा कर वसूली अधिकारी के रूप में कार्यभार ग्रहण किए जाने की तारीख से लागू होगी।

[सं० 5470 (फा० सं० 398/13/83-आ० क० ब०)]

बी० ई० अलैक्जेंडर, अव्वर सचिव

INCOME-TAX

S.O. 4355.—In pursuance of sub-clause (iii) of clause (44) of section 2 of the Income-tax Act, 1961 (43 of 1961), and in supersession of Notification of the Government of India in the Department of Revenue No. 3295 (F. No. 398/9/80-ITCC) dated 12-5-1980, the Central Government hereby authorises Shri K.P.D. Nair, being a gazetted officer of the Central Government, to exercise the powers of a Tax Recovery Officer under the said Act.

2. This Notification shall come into force with effect from the date Shri K.P.D. Nair takes over charge as Tax Recovery Officer.

[No. 5470 (F. No. 398/13/83-ITB)]

B. E. ALEXANDER, Under Secy

(अर्थ कार्य विभाग)

नई दिल्ली, 21 नवम्बर, 1983

कांआ० 4356.—केन्द्रीय सरकार, सिक्का निर्माण अधिनियम, 1906 (1906 का 3) की धारा 7 के साथ पठित धारा 21 को उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निम्नलिखित नियम बनाती है, अर्थात् :—

1. संक्षिप्त नाम और प्रारम्भ: (1) इन नियमों का संक्षिप्त नाम सिक्का निर्माण ("मत्स्य उद्योग" विषय पर पटकोणीय आकार के बीस पैसे के स्मारक सिक्कों का जिनमें 3.5 से 4 प्रतिशत मैग्नीशियम और शेप एलुमिनियम अन्तर्विष्ट है, (मानक वजन और उपचार) नियम, 1983 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. "मत्स्य उद्योग" विषय के साथ निर्मित 20 पैसे के सिक्के का अनुज्ञात वजन और उपचार—सिक्का निर्माण अधिनियम, 1906 (1906 का 3) की धारा 6 के उपबंधों के अधीन "मत्स्य उद्योग" विषय के साथ निर्मित 20 पैसे के

सिक्के का अनुज्ञात मानक वजन और उपचार वह होगा जो नीचे की सारणी में विनिर्दिष्ट है :—

सारणी

सिक्के का अंकित मूल्य	मानक वजन	अनुज्ञात उपचार
		संरचना में मानक वजन में
बीस पैसे	2.20 ग्राम	मैग्नीशियम 3.5 प्रतिशत से 4 प्रतिशत और शेष एल्युमिनियम 1/40वां धन या ऋण

[फा०सं० 1/28(1)/82-व्यायन]

(Department of Economic Affairs)

New Delhi, the 21st November, 1983

S.O. 4356.—In exercise of the powers conferred by sub-section (1) of section 21, read with section 7, of the Coinage Act, 1906 (3 of 1906), the Central Government hereby makes the following rules, namely:—

1. Short title and commencement:—(1) These rules may be called the Coinage (Standard Weight and Remedy of the commemorative coins of 20 paise of hexagonal shape containing magnesium 3.5 to 4 percent and remainder aluminium on the theme "FISHERIES") Rules, 1983.

(2) They shall come into force on the date of their publication in the official Gazette.

2. Standard weight and remedy allowed on the 20 paise Coins coined with the theme "Fisheries":—The standard weight of the 20 paise coin coined under the provisions of section 6 of the coinage Act, 1906 (3 of 1906) with the theme "Fisheries", and the remedy allowed in the making of such coin shall be as specified in the Table below:—

TABLE

Denomination of the coin	Standard weight	Remedy allowed	
		In Composition	In Standard weight
Twenty paise	2.20 grammes	Magnesium 3.5% to 4% and remainder Aluminium	1/40 th plus or minus

[No. F.1/28(I)/82-Coin]

का०आ० 4357.—केन्द्रीय सरकार, सिक्का निर्माण अधिनियम, 1906 (1906 का 3) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह अवधारित करती है कि—

केन्द्रीय सरकार के प्राधिकार के अधीन जारी किए जाने के लिए—

"मत्स्य उद्योग" विषय के साथ 20 पैसे अंकित मूल्य के सिक्के भी एकसाल में बनाए जाएंगे और ऐसे सिक्के निम्नलिखित आकार डिजाइन और संरचना के अनुज्ञात होंगे, अर्थात् :—

सिक्के का अंकित मूल्य	आकार और बाहरी व्यास	धातु संरचना
बीस पैसे	षट्कोणीय कोनों के आरपार 26 मिलीमीटर और और शेष एल्युमिनियम फ्लैट के आरपार 24.5 मिलीमीटर	मैग्नीशियम 3.5 प्रतिशत से 4 प्रतिशत और शेष एल्युमिनियम 1/40वां धन या ऋण

डिजाइन:—

मुख्य भाग: सिक्के के इस भाग पर अशोक स्तंभ का सिंह गुम्बज होगा जिसके नीचे "सत्यमेव जयते" सार वाक्य अंकित होगा और उसकी ऊपरी बायीं परिधि में "भारत" शब्द और ऊपरी दायीं परिधि में "इंडिया" शब्द अंकित होगा। इसमें अशोक स्तंभ के नीचे सिक्के का अंकित मूल्य "20" अंतर-राष्ट्रीय अंकों में अंकित होगा, नीचे बायीं परिधि में "पैसे" शब्द और नीचे दायीं परिधि में "पैसे" अंकित होगा।

पृष्ठ भाग: सिक्के के इस भाग पर सिक्के का निर्माण वर्ष उसके ऊपर बायीं परिधि में "मत्स्य उद्योग" और ऊपर दायीं परिधि में "Fisheries" अंकित होगा। अग्र भाग में, जाल में एक मछली के साथ पकड़ते हुए दो मछलियों और उनके पीछे नीचे दायीं परिधि में टोकरी में रखी हुई दो मछलियों का एक प्रतीक उपदर्शित किया जाएगा। नीचे की परिधि में प्रतीक के नीचे "FAO" संक्षेपशब्द उपदर्शित किया जाएगा।

[फा सं० 1/28 (II)/82-व्यायन]

सी०जी० पाथरीज, अवर सचिव

S.O. 4357.—In exercise of the powers conferred by Section 6 of the Coinage Act, 1906 (3 of 1906), the Central Government hereby determines that the coins of 20 paise denomination with the theme "Fisheries" shall also be coined at the Mint for issue under the authority of the Central Government and that such coins shall conform to the following dimensions, design and metal composition, namely:—

Denomination of the coin	Shape and outside diameter	Metal composition
Twenty paise	Hexagonal 26 millimetre across corners and 24.5 milli flats.	Magnesium 3.5% to 4% and Aluminium.

Design:—

Obverse: This face of the coin shall bear the Lion Capital of Ashoka Pillar with the legend "महमेव जयते" inscribed below, flanked on the left upper periphery with the word "भारत" and on the right upper periphery with the word "INDIA". It shall also bear the denominational value "20" in international numerals below the Ashoka Pillar flanked on left lower periphery with the word "पैसे" and on the right lower periphery with the word "PAISE".

Reverse: This face of the coin shall bear the year of coinage flanked with words "सत्स्य उद्योग" on its left upper periphery and with the word "FISHERIES" on its right upper periphery. In the foreground, symbol of two fishermen catching fish with net and a fish in it with two fish stored in a basket behind them at the right lower periphery will be shown. The abbreviation "FAO" shall be shown below the symbol in the lower periphery.

[No. F. 1/28 (II)/82-Coin]
C. G. PATHROSE, Under Secy.

(राजस्व एवं बौद्ध विभाग)

सीमा शुल्क एवं केन्द्रीय उत्पादन शुल्क

समाहर्ता का कार्यालय

अधिसूचना सं० 1/33

सीमा शुल्क निम्न अनुभाग

मदुराई. 13 अक्टूबर, 1983

का०आ० 4358.—सीमाशुल्क अधिनियम 1962 की धारा 8 (ए) के तहत विहित शक्तियों का प्रयोग करते हुए, तृत्तिकोरिन पोर्ट के उत्तरी बांध पर अवस्थित कोयले की जेट्टी को नीचे दिए गए व्यौर के अनुसार विस्तार एवं आयात कार्गो के लदान और उतारने के लिए उचित स्थान के रूप में घोषित करत हूँ।

कोयले की जेट्टी का परिमाण निम्नलिखित है:—

लंबाई—235 मीटर

चोड़ाई—32.5 मीटर

गहराई—9.14 मीटर

सीमाएं:—

उत्तर—बंगाल की खाड़ी

दक्षिण—बंगाल की खाड़ी के तार दक्षिण बांध

पश्चिम—सुरक्षा दीवार

पूर्व—बंगाल की खाड़ी

[सी० सं० 8/40/2/83-कत-1]

के० शंकररामन, समाहर्ता.

(Department of Revenue and Banking)

Office of the Collector of Customs and Central Excise

NOTIFICATION 1/83

CUSTOMS POLICY SECTION

Madurai, the 13th October, 1983

S.O. 4358.—In exercise of the powers vested under Section 8(a) of the Customs Act, 1962, I declare the Coal Jetty located in North Break Water at Tuticorin Port as per details given below as proper place for loading and unloading of export and Import cargo.

The dimension of the Coal Jetty is as follows :

Length : 235 metres.

Breadth : 32.5 metres.

Depth : 9.14 metres.

BOUNDARIES :

North : Bay of Bengal.

South : South Break water beyond that of Bay of Bengal.

West : Security Wall

East : Bay of Bengal.

[C. No. VIII/40/2/83 Cus. I]

K. SANKARARAMAN, Collector.

(आर्थिक कार्य विभाग)

नई दिल्ली, 2 नवम्बर, 1983

का०आ० 4359.—दंड प्रक्रिया संहिता 1973 (1974 का 2) की धारा 292 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा भारत सरकार, वित्त मंत्रालय, आर्थिक कार्य विभाग संख्या एफ. 3 (17) 76-करैसी, दिनांक 6 सितम्बर, 1976 की अधिसूचना में निम्नलिखित संशोधन करती है, अर्थात्:—

उपयुक्त अधिसूचना में, सारणी में, कालम 2 में, क्रम संख्या 2 के अन्तर्गत अन्त में निम्नलिखित प्रविष्टि जोड़ी जाएगी, अर्थात्:—

“3. सहायक कार्य प्रबन्धक”

[संख्या एफ. 3/23/83-करैसी]

प्रेम प्रकाश श्रीवास्तव, अवर सचिव

(Department of Economic Affairs)

New Delhi, the 2nd November, 1983

S.O. 4359.—In exercise of the powers conferred by sub-section (1) of section 292 of the Code of Criminal Procedure, 1973 (2 of 1974), the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Finance, Department of Economic Affairs No. F. 3(47)/76-CY, dated the 6th September, 1976, namely :—

In the said notification, in the Table, against serial number 1, in column (2), the following entry shall be added at the end, namely :—

“3. Assistant Works Manager.”

[No. F. 3/23/83-CY]

P. P. SRIVASTAVA, Under Secy.

बैंकिंग प्रभाग

नई दिल्ली, 14 नवम्बर, 1983

का०आ० 4360.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 31 के उपबन्ध, बैंक आफ कोचीन लि०, पर 30 सितम्बर, 1983 तक उस सीमा तक लागू नहीं होंगे जहां तक उनका संबंध उसके द्वारा निर्धारित रूप में लेखा परीक्षकों की रिपोर्ट के साथ लेखाओं और तुलन पत्रों का प्रकाशन करने तथा 30 सितम्बर, 1983 तक की बढ़ाई गई अवधि के भीतर रिजर्व बैंक की इन विवरणियों की तीन प्रतियां प्रस्तुत करने से है।

[सं० 15/21/83 बी०ओ०-III]

(Banking Division)

New Delhi, the 14th November, 1983

S.O. 4360.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of Section 31 of the said Act shall not apply to the Bank of Cochin Ltd., upto 30th September, 1983 in so far as it is required to publish the accounts and balance sheet together with the auditor's report in the prescribed manner and submit three copies thereof as returns to the Reserve Bank within the extended period upto 30th September, 1983.

[No. 15/21/83-B.O. III]

का०आ० 4361.—बैंककारी विनियमन अधिनियम 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा यह घोषणा करती है :

(क) कि उक्त अधिनियम की धारा 10 की उपधारा (1) के खण्ड (ग) के उपखण्ड (1) और (II) तथा धारा 10 ख की उपधारा (2) और (4) के उपबन्ध इस अधिसूचना की तारीख से 1 वर्ष तक की अवधि के लिये जम्मू एंड कश्मीर बैंक लिमिटेड, श्रीनगर पर उस सीमा तक लागू नहीं होंगे, जहां तक ये उपबन्ध इसके अध्यक्ष तथा मुख्य कार्यपालक अधिकारी के जम्मू एंड कश्मीर इण्डस्ट्रियल एंड टेक्निकल कन्सल्टेंसी आर्गनाइजेशन लिमिटेड, जम्मू, होने पर इसलिये पाबन्दी लगाते हैं कि वह कम्पनी अधिनियम 1956 (1956 का 1) के अन्तर्गत पंजीकृत एक कम्पनी है, और

(ख) कि उक्त अधिनियम की धारा 19 की उपधारा (3) के उपबन्ध इस अधिसूचना की तारीख से 1 वर्ष तक की अवधि के लिये उपर्युक्त बैंक पर उस सीमा तक लागू नहीं होंगे, जहां तक ये उपबन्ध उक्त बैंक के जम्मू एंड कश्मीर इण्डस्ट्रियल एंड टेक्निकल कन्सल्टेंसी आर्गनाइजेशन लिमिटेड, जम्मू की ओर धारिता पर इसलिये पाबन्दी लगाते हैं, कि वह कम्पनी अधिनियम, 1956 (1956 का 1) के अन्तर्गत पंजीकृत एक कम्पनी है।

[सं० 15/27/83-बी०ओ०-III]

S.O. 4361.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares :

(a) that the provisions of sub-clauses (i) and (ii) of clause (c) of sub-section (1) of section 10 and sub-section (2) and (4) of section 10B of the said Act shall not apply to the Jammu and Kashmir Bank Ltd., Srinagar for a period of one year from the date of the notification, insofar as the said provisions prohibit its Chairman and Chief Executive Officer from being a director on the Jammu and Kashmir Industrial and Technical Consultancy Organisation Ltd., Jammu, being a company registered under the Companies Act, 1956 (1 of 1956); and

(b) that the provisions of sub-section (3) of section 19 of the said Act shall not apply to the above-mentioned bank for a period of one year from the date of notification, insofar as the said provisions prohibit the said bank from holding shares in the Jammu and Kashmir Industrial and Technical Consultancy Organisation Ltd., Jammu, being a company registered under the Companies Act, 1956 (1 of 1956).

[No. 15/27/83-B.O. III]

का०आ० 4362.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार भारतीय रिजर्व बैंक की सिफारिश पर एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 19(2) के उपबन्ध यूनाइटेड बैंक आफ इंडिया, कलकत्ता पर इस अधिसूचना की तारीख से दो वर्ष की अवधि के बास्ते उस सीमा तक लागू नहीं होंगे जहां तक इनका संबंध बंगाल एनेमल वर्क्स लिमिटेड, कलकत्ता में गिरवीदार (प्लेज) के रूप में इसके शेयरों की धारिता से है।

[सं० 15/31/83-बी०ओ०-III]

S.O. 4362.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 19(2) of the said Act shall not apply to the United Bank of India, Calcutta for a period of two years from the date of the notification insofar as they relate to its holding of the shares in Bengal Enamel Works Ltd., Calcutta, as pledgee.

[No. 15/31/83-B.O. III]

नई दिल्ली, 18 नवम्बर, 1983

नई दिल्ली, 17 नवम्बर, 1983

का०आ० 4363.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार भारतीय रिजर्व बैंक की शिकारिश पर एतद्वारा घोषणा करता है कि उक्त अधिनियम की धारा 9 के उपबन्ध कर्नाटक बैंक लिमिटेड, मंगलूर पर और एतद्वारा का अवधि के बावसे अर्थात् 29 दिसम्बर, 1984 तक उस सीमा तक लागू नहीं होंगे जहां तक उनका संबंध इसके द्वारा कुंडगोल जिला धारवाड़ कर्नाटक में धारित 810, 811 और 812 मूनिमिसल संख्या वाले दूकान व टोन् के गोदामों सहित दो मंजिला मकान को अचल सम्पत्ति में है।

[संख्या 15/32/83-बी०ओ०-III]

New Delhi, the 18th November, 1983

S.O. 4363.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 9 of the said Act shall not apply to the Karnataka Bank Ltd., Mangalore, for a further period of one year i.e., upto the 29th December, 1984 in respect of the immovable property of a two-storeyed house including shop and tin godowns bearing Municipal Nos. 810, 811 and 812 held by it at Kundgol, Dharwar District, Karnataka.

[No. 15/32/83-B.O. III]

का०आ० 4364.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार भारतीय रिजर्व बैंक की शिकारिश पर एतद्वारा घोषणा करता है कि उक्त अधिनियम की धारा 19 की उपधारा (2) के उपबन्ध यूनाइटेड बैंक आफ इंडिया, कलकत्ता पर 20 मई, 1984 तक उस सीमा तक लागू नहीं होंगे जिस तक इनका संबंध गिरवादार (प्लेज) के रूप में मैसर्स हावड़ा फ्लोर मिल्स लि० की शेयर पूंजी में उनकी 30 प्रतिशत से अधिक की शेयर धारिता से है।

[संख्या 15/34/83-बी०ओ०-III]

एन० डी० बट्रा, अवर सचिव

S.O. 4364.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-section (2) of Section 19 of the said Act shall not apply to the United Bank of India, Calcutta upto the 20th May, 1984 in respect of its holding of shares in excess of 30 per cent of the share capital of M/s. Howrah Flour Mills Ltd. as pledgee.

[No. 15/34/83-B.O. III]

N. D. BATRA, Under Secy.

का०आ० 4365.—राष्ट्रीयकृत बैंक (प्रबंध और प्रकरण उपबन्ध) स्कीम, 1970 के खंड 3 के उपखंड (छ) के अनुसरण में केन्द्रीय सरकार एतद्वारा नीचे की सारणी के कालम (2) में उल्लिखित व्यक्तियों को उनमें से प्रत्येक के सामने उसी सारणी के कालम (3) के उल्लिखित व्यक्तियों के स्थान पर सारणी के कालम (1) में दिये गए राष्ट्रीयकृत बैंकों के निदेशक के रूप में नियुक्त करता है :—

सारणी

(1)	(2)	(3)
देना बैंक	श्री पी० डी० गुप्ता, संयुक्त मुख्य अधिकारी, बैंकिंग परिचालन तथा विकास विभाग, भारतीय रिजर्व बैंक बम्बई क्षेत्रीय कार्यालय, हांगकांग बैंक बिल्डिंग, बम्बई-400023	श्री एम० जी० आप्टे
सिंडिकेट बैंक	श्री बी० राय, संयुक्त नियंत्रक, विनियमन नियंत्रण विभाग, भारतीय रिजर्व बैंक, केन्द्रीय कार्यालय, न्यू सेंट्रल आफिस बिल्डिंग, बम्बई-400023	श्री एम० एल० इनासु

[संख्या एक० 9/5/83-बी० ओ० I]

च० वा० मीरचन्दानी, उप सचिव

New Delhi, the 17th November, 1983

S.O. 4365.—In pursuance of sub-clause (g) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government hereby appoints the persons specified in column (2) of the Table below as Directors of the nationalised banks specified in column (1) thereof in place of the persons specified in the corresponding entry in column (3) of the said Table :

TABLE

(1)	(2)	(3)
Deena Bank	Shri P.D. Gupta, Joint Chief Officer, Department of Banking Operations and Development, Reserve Bank of India, Bombay Regional Office, Hong-kong Bank Building, Bombay-400023.	Shri S.G. Apte
Syndicate Bank*	Shri B. Ray, Joint Controller, Exchange Control Department, Reserve Bank of India, Central Office, New Central Office, Building, Bombay-400023.	Shri M.L. Inasu

[No. F. 9/5/83-BO. I]

C. W. MIRCHANDANI, Dy. Secy.

नई दिल्ली, 15 नवम्बर, 1983

का० आ० 4366 :—बैंककारी विनियम अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार भारतीय रिजर्व बैंक की सिफारिश पर एतद्वारा यह घोषणा करती है कि उक्त अधिनियम की धारा 9 के प्रावधान जहाँ तक वे तमिलनाडु राज्य के रामनद जिले के श्रीविलिपुत्तुर नगरपालिका में सर्वे सं० 1560/2-रिक्त (357 वर्ग फीट), कसबा, नार्थ कार स्ट्रीट श्रीविलिपुत्तुर में रामनद जिला तमिलनाडु में स्थित टी सर्वे सं० 1561/2 में अविभाजित आधे भाग की गैर-बैंकिंग आस्थियाँ के धारण करने से संबंधित है, श्रीविलिपुत्तुर को-ऑपरेटिव अर्बन बैंक लि०, श्रीविलिपुत्तुर पर इस अधिसूचना के भारत के गजट में प्रकाशित होने से 31 दिसम्बर, 1983 तक लागू नहीं होंगे।

[सं० 8(5)/83-ए०सी०]

अमर सिंह, अवर सचिव

New Delhi, the 15th November, 1983

S.O. 4366.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of Section 9 of the said Act shall not apply to the Srivilliputtur Cooperative Urban Bank Ltd., Srivilliputtur so far as they relate to its holding of a non-banking asset, in Srivilliputtur Town Survey No. 1560/2-Vacant (357 sq. ft.), undivided half share in TS No. 1561/2 situated in Kasaba, North Car Street, Srivilliputtur Municipal Town of Ramnad District, for the period from the date of publication of this notification in Gazette of India to 31 December 1983.

[No. 8(5)/83-AC]

AMAR SINGH, Under Secy.

वाणिज्य मंत्रालय

नई दिल्ली, 3 दिसम्बर, 1983

का०आ० 4367:—केन्द्रीय सरकार, निर्यात (नवालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, खनिज और अयस्क ग्रुप-1 निर्यात (निरीक्षण) नियम, 1965 में और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात् :—

(1) इन नियमों का संक्षिप्त नाम खनिज और अयस्क ग्रुप-1 निर्यात (निरीक्षण) संशोधन नियम, 1983 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. खनिज और अयस्क ग्रुप-1 निर्यात (निरीक्षण) नियम, 1965 के नियम 7 में मद संख्या 2 और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित रखा जाएगा, अर्थात् :—

“2 खनिज अयस्क

(क) नमूना लेना—(i) लम्पस के लिए 34 पैसे प्रति टन।

(ii) परिष्कृत के लिए 31 पैसे प्रति टन, लदान के बंदरगाह पर।

(ख) रसायनिक विश्लेषण—80.00 रुपए प्रति नमूना

(ग) आब्रता निर्धारण—50000 टन से कम।

—2500 रुपए प्रति लदान।

—50000 टन से अधिक।

—50 रुपए प्रति लदान।”

*1965 का का० आ० 3977

[फाइल संख्या 6 (13)/83-ई०आई०एण्ड ई०पी०]

सी० बी० कुक्रेती, संयुक्त निदेशक

MINISTRY OF COMMERCE

New Delhi, the 3rd December, 1983

S.O. 4367.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules further to amend the *Export of Mineral and Ores—Group-I (Inspection) Rules, 1965, namely :—

(1) These rules may be called the Export of Minerals and Ores—Group-I (Inspection) Amendment Rules, 1983.

(2) They shall come into force with effect from the date of publication in the Gazette.

2. In the Export of Minerals and Ores—Group-I (Inspection) Rules, 1965, in rule 7, for item 2 and the entries relating thereto, the following shall be substituted, namely :—

“2. Iron Ores

(a) Sampling—

(i) For Lumps Rs. 0.34 paise per tonne.

(ii) For Fines Rs. 0.31 paise per tonne; at the port of loading.

(b) Chemical analysis—Rs. 80.00 per sample.

(c) Moisture determination—Below 50,000 tonnes

Rs. 25.00 per shipment.

Above 50,000 tonnes.

Rs. 50 per shipment.”

*S.O. 3977 of 1965.

[F. No. 5(13)/83-EI&EP]

C. B. KUKRETI, Jt. Director.

संयुक्त मुख्य नियंत्रक, आयात तथा निर्यात का कार्यालय

आदेश

मद्रास, 9 नवम्बर, 1983

का०आ० 4368 :—सर्वश्री टिटैनियम इन्वियपमेंट एण्ड अनोड मान्युफैक्चरिंग कम्पनी लिमिटेड, टीएम हौस, जी० एस०टी० रोड, बंडलूर, मद्रास-600048 को अप्रैल, 1982—मार्च, 1983 अवधि के लिए रुपये 94,00,000/- तक कच्चा माल, संघटकों, और उपभोग्य सामग्री आयात करने के लिए आयात लाइसेंस संख्या पी/डी/2227495/सी/एक्सएक्स/85/एम/82 दिनांक 21-10-82 जारी किया गया था। लाइसेंसधारी ने उपर्युक्त लाइसेंस की मुद्रा विनियम नियंत्रण प्रति जारी करने के लिए इसलिए प्रार्थना की है कि उपर्युक्त लाइसेंस की मूल्य में से रुपये 49,75,718/- तक उपयोग कर लेने के बाद वह खो दी गयी है।

अपने तर्कों के समर्थन में आवेदक ने एक शपथ-पत्र दाखिल किया है। अधोहस्ताक्षरी इस बात से संतुष्ट है कि लाइसेंस की मुद्रा विनियम नियंत्रण प्रति खो दी गयी है और आदेश देता है कि आवेदक को उपर्युक्त लाइसेंस की मुद्रा विनियम नियंत्रण प्रति की अनुलिपि प्रति जारी किया जाये। लाइसेंस की मूल प्रति एतद्वारा रद्द किया जाता है।

अनुलिपि प्रति लाइसेंस (मुद्रा विनियम नियंत्रण प्रति)
संख्या 2464900 दिनांक 27-10-83 अलग जारी किया जाता है।

[संख्या आईटीसी/डीजोटोडी/239/एम-83/एयू-3]
सी० जी० फेरनान्डेज, उप-मुख्य नियंत्रक, आयात तथा निर्यात,

Office of the Joint Chief Controller of Imports & Exports

ORDER

Madras, the 9th November, 1983

S.O. 4368.—M/s. Titanium Equipment and Anode Manufacturing Co. Ltd., Team House, G. S. T. Road, Vandalur, Madras-600048 were granted licence No. P/D/2227495/CJ XX/85/M/82 dt. 21-10-82 for raw materials and components and consumables for a value of Rs. 94,00,000 for the period April 82—March 83. They have requested this office to issue a duplicate Exchange Control Copy of above mentioned licence which has been lost after having utilised value of licence of Rs. 49,75,716.

In support of their contention the applicant has filed an affidavit. The undersigned is satisfied that the original copy of the licence (Exchange Control Copy) has been lost and directs that a duplicate of the said licence (Exchange Control Copy) should be issued to them. The original copy of the licence hereby cancelled.

A duplicate licence (Exchange Control Copy) No. 2464900 dt. 27-10-83 has been issued separately.

[ITC/DGTD/239/AM 83/AU I]

C. G. FERNANDEZ, Dy. Chief Controller of Imports and Exports

विदेश मंत्रालय

नई दिल्ली, 16 नवम्बर, 1983

का०आ० 4369:—राजनयिक एवं कौंसल अधिकारी (शपथ एवं शुल्क) अधिनियम, 1948 की धारा 2 के खंड (क) के अनुपालन में केन्द्र सरकार, इसके द्वारा, ब्राजीलिया स्थित भारतीय दूतावास में निजी सहायक श्री वी०पी० गेरा को तत्काल से कौंसली एजेंट का कार्य करने के लिये प्राधिकृत करती है।

[टी- 4330/4/83]

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 16th November, 1983

S.O. 4369.—In pursuance of the clause (a) of Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorise Shri V.P. Gera, Personal Assistant in the Embassy of India, Brasilia to perform the duties of Consular Agent with immediate effect.

[T. 4330/4/83]

का०आ० 4370:—राजनयिक एवं कौंसली अधिकारी (शपथ एवं शुल्क) अधिनियम, 1948 की धारा 2 के खंड (क) के अनुपालन में केन्द्र सरकार, इसके द्वारा, हरारे स्थित भारत के हाई कमिशन में सहायक श्री बी० भट्टाचारजी को तत्काल से कौंसली एजेंट का कार्य करने के लिए प्राधिकृत करती है।

[टी० 4330/4/83]

S.O. 4370.—In pursuance of the clause (a) of Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorise Shri B. Bhattacharjee, Assistant in the High Commission of India, Harare to perform the duties of Consular Agent with immediate effect.

[T. 4330/4/83]

नई दिल्ली, 18 नवम्बर, 1983

का०आ० 4371:—राजनयिक एवं कौंसली अधिकारी (शपथ एवं शुल्क) अधिनियम, 1948 की धारा 2 के खंड (क) के अनुपालन में केन्द्र सरकार, इसके द्वारा सैनफ्रांसिस्को स्थित भारत के प्रधान कौंसलावास में सहायक श्री एन०एस० माथुर को तत्काल से कौंसली एजेंट का कार्य करने के लिए प्राधिकृत करती है।

[टी० 4330/4/83]

बी०एस० निहल, अधर सचिव
(कौंसलर)

New Delhi, the 18th November, 1983

S.O. 4371.—In pursuance of the clause (a) of Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorise Shri N. S. Mathur, Assistant in the Consulate General of India, Sanfrancisco to perform the duties of Consular Agent with immediate effect.

[T. 4330/4/83]

B. S. NIDDAR, Under Secy. (Consular)

उद्योग मंत्रालय

(औद्योगिक विकास विभाग)

नई दिल्ली, 17 नवम्बर, 1983

का०आ० 4372:—कयर बोर्ड सेवाएं, (वर्गीकरण, नियंत्रण और अपील) उपविधि, 1969 का और संशोधन करने के लिये निम्नलिखित उपविधियां जो कयर बोर्ड (कारबार का संव्यावहार, कर्मचारियों की सेवा की शर्तें और सेवा का रखा जाना) उपविधि, 1955 की उपविधि 15 और उपविधि 16 के साथ पठित कयर उद्योग अधिनियम, 1953 (1953 का 45) की धारा 27 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए

बनाई गई है और जिनकी पुष्टि केन्द्रीय सरकार द्वारा की गई है, उक्त अधिनियम को धारा 27 की उपधारा (2) द्वारा यथा अपेक्षित प्रकाशित की जाती है, अर्थात् :—

1. (1) इन उपविधियों का संक्षिप्त नाम कयर बोर्ड सेवाएं (वर्गीकरण, नियन्त्रण और अपील) संशोधन उपविधि, 1983 है।

(2) ये तुरन्त प्रभावी होंगी।

2. कयर बोर्ड सेवाएं (वर्गीकरण, नियन्त्रण और अपील) उपविधि, 1969 में,—

(1) उपविधि 5 के स्थान पर निम्नलिखित रखा जाएगा, अर्थात् :—

“5. पदों का वर्गीकरण”

बोर्ड की सेवा के अधीन सभी पदों का वर्गीकरण निम्न प्रकार से किया जाएगा :—

क्रम	पद के अधिकतम वेतनमान का वेतन सं०	समूह
1.	1300 रु० से कम नहीं	क
2.	900 रु० से कम नहीं किन्तु 3300 रु० से कम	ख
3.	290 रु० से अधिक किन्तु 900 रु० से कम	ग
4.	290 रु० या उससे कम	घ

(2) उपविधि 12 में, उपविधि (4) के स्थान पर निम्नलिखित रखा जायगा, अर्थात् :—

(4) यदि अनुशासनिक विचारों का आरोप कि सभी मर्दों या उनमें से किसी मद के सम्बन्ध में निष्कर्षों को ध्यान में रखते हुए और जांच के दौरान पेश किए गए साक्ष्य के आधार पर यह राय हो कि उपविधि (8) के खण्ड (5) से (9) में विनिर्दिष्ट किसी शास्ति को बोर्ड के कर्मचारी पर अधिरोपित किया जाना चाहिए तो वह ऐसी शास्ति को अधिरोपित करते हुए आवेदन करेगा कि और यह आवश्यक नहीं होगा कि बोर्ड के कर्मचारी को, अधिरोपित की जाने वाली प्रस्तावित शास्ति पर अभ्यावेदन करने का अवसर दिया जाय।

(3) अनुसूची के स्थान पर निम्नलिखित रखा जायगा,

अर्थात् :—

अनुसूची

पद और या समूह का वर्णन	नियुक्ति प्राधिकारी	शास्तियां अधिरोपित करने के लिए अपील प्राधिकारी
		सक्षम प्राधिकारी और वे शास्तियां जिन्हें वह (उपविधि 8 के मद संख्याओं के प्रति निर्देश से) अधिरोपित कर सकेगा।
		प्राधिकारी शास्तियां
सभी समूह “क” पद	अध्यक्ष (कार्यपालक समिति की सिफारिश पर और केन्द्रीय सरकार के अनुमोदन से)	केन्द्रीय सरकार सभी केन्द्रीय सरकार
समूह “ख” पद		
1. वह पद जिसके लिए अधिकतम वेतनमान 960 रु० या उससे अधिक है।	अध्यक्ष (कार्यपालक समिति की सिफारिश पर और केन्द्रीय सरकार के अनुमोदन से)	केन्द्रीय सरकार सभी केन्द्रीय सरकार
2. वह पद जिसके लिए अधिकतम वेतनमान 960 रु० से कम है	अध्यक्ष (कार्यपालक समिति की सिफारिश पर	केन्द्रीय सरकार सभी केन्द्रीय सरकार
समूह “ग” पद	अध्यक्ष (कार्यपालक समिति की सिफारिश पर	सभी केन्द्रीय सरकार
समूह “घ” पद	सचिव	सचिव सभी अध्यक्ष

[फा० सं० 6/3/83-आई० सी० सी०]

एस० के० चक्रवर्ती, निदेशक

टिप्पण :—अधिसूचना का० आ० 200, तारीख 18 जनवरी, 1969 के बाद में निम्नलिखित द्वारा संशोधन किया गया है :—

अधिसूचना का० आ० 2279 तारीख 19 जुलाई, 1975

अधिसूचना का० आ० 4389 तारीख 20 नवम्बर, 1976

MINISTRY OF INDUSTRY

(Department of Industrial Development)

New Delhi, the 17th November, 1983

S.O 4372.—The following By-laws further to amend the the Coir Board Services (Classification, Control and Appeal) By-laws, 1969, made by the Coir Board, in exercise of the powers conferred by clause (d) of sub-section (1) of section 27 of the Coir Industry Act, 1953 (45 of 1953) read with by-laws 15 and 16 of the Coir Board (Transaction of Business, Conditions of Service of Employees and Maintenance of Accounts) By-laws, 1955 and confirmed by the Central Government, are hereby published, as required by sub-section (2) of section 27 of the said Act, namely :—

1. (1) These By-laws may be called the Coir Board Services (Classification, Control and Appeal) Amendment By-laws, 1983.

(2) They shall come into force at once.

2. In the Coir Board Services (Classification, Control and Appeal) By-laws, 1969 :

(i) for By-law 5, the following shall be substituted, namely :—

“5. CLASSIFICATION OF POSTS

All posts under the Board's service shall be classified as follows :

S. No.	Pay of Maximum of the scale of the post	Grouping
1	2	3
1.	Not less than Rs. 1300	A
2.	Not less than Rs. 900 but less than Rs. 1300	B
3.	Over Rs. 290 but less than Rs. 900	C
4.	Rs. 290 or less	D”

(ii) in by-law 12, for by-law (4), the following shall be substituted, namely :—

(4) If the disciplinary authority having regard to its findings on all or any of the articles of charge and on the basis of the evidence adduced during the enquiry is of the opinion that any of the penalties specified in clauses (v) to (ix) of by-law 8 should be imposed on the Board's employee, it shall make an order imposing such penalty and it, shall not be necessary to give the Board's employee any opportunity of making representation on the penalty proposed to be imposed”.

(iii) for the Schedule, the following shall be substituted, namely :—

SCHEDULE

Description of post and/or Group	Appointing Authority	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in by-law 8)	Appellate Authority
All Group A Posts.	Chairman (on the recommendation of Executive Committee and with the approval of Central Govt.)	Central Government	All Central Government
“Group B Posts :			
1. Post for which the maximum of the scale of pay is Rs. 960 or above.	Chairman (on the recommendation of the Executive Committee & with the approval of Central Govt.)	Central Government	All Central Government
2. Post for which the maximum of the scale of pay is less than Rs. 960.	Chairman (on the recommendation of the Executive Committee)	Central Government	All Central Government
Group 'C' posts	Chairman (on the recommendation of the Executive Committee)	Chairman	All Central Government
Group 'D' Posts	Secretary	Secretary	All Chairman”

[File No. 6/3/83-ICC]

S.K. CHAKRABARTI, Director

NOTE :

Notification S.O. 200 dated 18th January, 1969 has been subsequently amended by :—

Notification S.O. 2279 dated 19th July, 1975.

Notification S.O. 4389 dated 20th November, 1976.

ऊर्जा मंत्रालय

(पेट्रोलियम विभाग)

नई दिल्ली, 17 नवम्बर, 1983

का०आ० 4373. —यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में हजीरा से बरेली से जमदीशपुर तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाईनों को बिछाने के प्रयोजन के लिये एतद्वारुद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः, अब, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिये आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण, और देखभाल प्रभाग, मकरपुरा रोड, बड़ोदरा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

हजिरा से बरेली से जगदीशपुर तक पाइप लाइन बिछाने के लिये।

राज्य—गुजरात जिला—सुरत तालुका—ओलपाड

गांव	कोड नं०	हेक्टर	एआरई	सेंटियर
1	2	3	4	5
ओभला	95	0	31	34
	92	0	44	30
	93	0	21	30
	87	0	31	05
	91/बी	0	07	65

[सं० ओ-12016/30/83 प्रो०]

MINISTRY OF ENERGY

(Department of Petroleum)

New Delhi, the 17th November, 1983

S.O. 4373.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from HAJIRA-BAREILLY to JAGDISHPUR in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission;

And Whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto :

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara (390009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

Pipeline from Hajira to Bareilly to Jagdishpur

State : Gujarat	District : Surat	Taluka : Olpad		
Village	Survey No.	Hect-are	Acre	Centi-are
1	2	3	4	5
Obhala	95	0	31	34
	92	0	44	30
	93	0	21	30
	87	0	31	05
	91/B	0	07	65

[No. O-12016/30/83-Prod.]

नई दिल्ली, 18 नवम्बर, 1983

का०अ० 4374 :—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में कलोल-44 से जो०जी०एस० II तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और, यतः, यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिये एतद्वारा अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः, अब, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ोदरा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

कलोल 44 से जी०जी०एस० II तक पाइप लाइन बिछाने के लिए ।

राज्य : गुजरात जिला व तालुका : गांधीनगर

गांव	सर्वे नं०	हेक्टेयर	एआरई	सेन्टीयर
भोयन राठोड	143	0	04	35
	144/1	0	12	75
	145	0	19	50
	146	0	15	30
	147/2	0	04	50
	147/1	0	10	05
	148/1	0	13	00
	148/2ए	0	09	30

[सं० O-12016/136/83-प्रोड०]

New Delhi, the 18th November, 1983

S.O. 4374.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Kalol-44 to GGS II in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission ;

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto :

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein ;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara (390009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

Pipeline from Kalol 44 to GGS II

State : Gujarat	District & Taluka : Gandhinagar			
Village	Survey No.	Hectare	Are	Centi-are
1	2	3	4	5
Bhoyan Rathod	143	0	04	35
	144/1	0	12	75
	145	0	19	50
	146	0	15	30
	147/2	0	04	50
	147/1	0	10	05
	148/1	0	13	00
	148/2A	0	09	30

[N.D. O-12016/136/83-Prod.]

का० आ० 4375.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) के अधीन भारत सरकार के उर्जा मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना का०आ० सं० 2823 तारीख 23-6-83 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के प्रयोजन के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और, यतः, सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और, आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

हजीरा से उन्नन तक पाइप लाइन बिछाने के लिए ।

राज्य : गुजरात	जिला : सूरत	तालुका : चोर्मासी		
गांव	ब्लोक नं०	हेक्टेयर	एआरई	सेन्टीयर
ओख्ता	126	0	27	15
	125	0	36	00
	128	0	19	80
	119	0	20	85
	118	0	37	50
	117	0	03	23
	76	0	42	97
	114	0	03	23
	77	0	29	18
	79	0	29	17
	78	0	08	70
	81	0	51	90
	82	0	61	55
	83	0	21	60
	84	0	48	78
	63	0	04	92

[सं० O-12016/78/83-प्रोड०]

S.O. 4375.—Whereas by notification of the Government of India in the Ministry of Energy (Department of Petroleum) S.O. 2823 dated 23-6-83 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from Hajira to Utran

State : Gujarat District : Surat Taluka : Choriyasi

Village	Block No.	Hectare	Acre	Centiare
1	2	3	4	5
Okha	126	0	27	15
	125	0	36	00
	128	0	19	80
	119	0	20	85
	118	0	37	50
	117	0	03	23
	76	0	42	97
	114	0	03	23
	77	0	29	18
	79	0	29	17
	78	0	03	70
	81	0	51	90
	82	0	61	55
	83	0	21	60
	84	0	48	78
	63	0	04	92

[No. O-12016/76/83—Prod.]

क्र० आ० 4376—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में झालोरा-22 से जी० जी० एस-1 तक पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और, अतः, यह प्रतीत होता है कि ऐसी साधनों को बिछाने के प्रयोजन के लिए एन०एन०एन० अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः, अब, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, वडोदरा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टता: यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

झालोरा 22 से जी० जी० एस I तक पाइपलाइन

राज्य : गुजरात जिला : मेहसाना तालुका : कड़ी

गांव	सर्वे न.	हेक्टेयर	एआरई	सेन्टीयर
मनीपुर		172	0	02
		176	0	09
		177	0	08
		178	0	18
		179	0	10
		180	0	24
		182	0	24

[सं० O-12016/140/83-प्रोड०]

S.O. 4376.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Jhalora-22 to GGS I in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission;

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority. Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodra (390009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

Pipeline from Jhalra 22 to G33 I

State : Gujarat	District : Mahsana	Taluka : Kali		
Village	Survey No.	Hectare Area	Centi-are	
1	2	3	4	5
Manipur	172	0	02	00
	176	0	09	75
	177	0	08	70
	178	0	18	00
	179	0	10	05
	180	0	24	00
	182	0	24	45

[No. O-12016/143/83—Pro I.]

नई दिल्ली, 19 नवम्बर, 1983

कां.आं. 4377.—यतः केन्द्रीय सरकार को यह प्रतीति होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में हजीरा से बरेली से जगदीशपुर तक पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और, यतः, यह प्रतीति होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्विषयक अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः, अब, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (II) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बडोदरा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति बिलिदिष्टतः यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

हजीरा से बरेली से जगदीशपुर तक पाइपलाइन बिछाने के लिए।

राज्य : गुजरात जिला : सूरत तालुका : ओलपाड-

गांव	प्लॉक नं०	हेक्टर	एआरई	सेन्टीयर
खलीपोर	14/ए	0	25	29
	कार्टे ट्रैक	0	06	07
	120	0	32	37
	12	0	12	14
	11	0	15	18
	13	0	03	04
	24	0	58	68
	22	0	00	10
	23	0	11	13
	21	0	03	04
	कार्टे ट्रैक	0	04	05
	20	0	31	36
	1/ए	0	24	28
	2	0	12	14
	17/ए	0	09	11

[सं० O-12016/143/83-प्रोड]

New Delhi, the 19th November, 1983

S.O. 4377.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from HAJRA-BARELLY to Jagdishpur in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission;

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto :

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpur Road, Vadodara (290 009)

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

PIPELINE FROM HAJIRA TO BAREILLY TO JAGDISH-
PUR

State : Gujarat District : Surat Taluka : Olpad

Village	Block No.	Hec- tare	Acre	Centi- acre
Khalipor	14/A	0	25	29
	Cart Track	0	06	07
	120	0	32	37
	12	0	12	14
	11	0	15	18
	13	0	03	04
	24	0	58	68
	22	0	00	10
	23	0	11	13
	11	0	03	04
	Cart Track	0	04	05
	20	0	31	36
	1/A	0	24	28
	2	0	12	14
	17/A	0	09	11

[NO. O-12016/143/83-Prod.]

का० आ० 4378.—यतः पेट्रोलियम और खनिज पाइप-
लाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम,
1962 (1962 का 50) की धारा 3 की उपधारा (1)
के अधीन भारत सरकार के पेट्रोलियम, रसायन और उर्वरक
मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना का० आ०
सं० 3010 तारीख 14-7-83 द्वारा केन्द्रीय सरकार ने उस
अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग
के अधिकार को पाइप लाइनों को बिछाने के प्रयोजन के
लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की
धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्टें
दे दी हैं।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर
विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची
में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने
का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा
(1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार
एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न
अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार
पाइपलाईन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया
जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त
शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है
कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में
विहित होने के बजाय तेल और प्राकृतिक गैस आयोग में,

सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस
तारीख को निहित होगा।

अनुसूची

सोभासन—57 से डब्लू० डब्लू० टी० पी० तक पाइप लाइन
बिछाने के लिए

राज्य—गुजरात जिला और तालुका—मेहसाणा

गांव	सं० न०	हेक्टेयर	एआरई	सेन्टी- अर
पुनासन	426	0	02	64
कार्ट ट्रैक		0	01	56
18		0	09	48
17		0	06	60
14		0	08	76
15		0	12	12
12		0	05	64
कार्ट ट्रैक		0	00	48
46		0	04	44
47		0	06	12
64		0	00	60
63		0	05	04
49		0	02	16
62		0	12	36
92		0	04	20
93/1		0	05	76
93/2		0	09	36
94		0	09	48
88		0	03	00
440		0	14	64
कार्ट ट्रैक		0	01	56
441		0	07	68
132		0	04	80
133		0	03	60
131		0	02	76
130		0	07	44
कार्ट ट्रैक		0	00	60
126		0	05	28
127		0	08	04
118		0	05	28
117/बी		0	01	20
121		0	09	84
120		0	00	60
119		0	06	36

[सं० 12016/92/83-प्रोड]

राजेन्द्र सिंह, निदेशक

S.O. 4378.—Whereas by notification of the Government of India in the Ministry of Petroleum, Chemicals & Fertilizer, (Department of Petroleum) S.O. 3010 dated 14-7-83 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

PIPELINE FROM SOB. 57 to W.W.T.P.

State : Gujarat	District and Taluka : Mehsana			
Village	Survey No.	Hec-tare	Aro	Centiare
Punasan	426	0	02	64
	Cart track	0	01	56
	18	0	09	48
	17	0	06	60
	14	0	08	76
	15	0	12	12
	12	0	05	64
	Cart track	0	00	48
	46	0	04	44
	47	0	06	12
	64	0	00	60
	63	0	05	04
	49	0	02	16
	62	0	12	36
	92	0	04	20
	93/1	0	05	76
	93/2	0	09	36
	94	0	09	48
	88	0	03	00
	440	0	14	64
	Cart track	0	01	56
	441	0	07	68
	132	0	04	80
	133	0	03	60
	131	0	02	76
	130	0	07	44
	Cart track	0	00	60
	126	0	05	28
	127	0	08	04
	118	0	05	28
	117/B	0	01	20
	121	0	09	84
	120	0	00	60
	119	0	06	36

[No. 12916/92/83—Prod]
RAJENDERA SINGH, Director

नौवहन और परिवहन मंत्रालय

(श्रम विभाग)

नई दिल्ली, 14 नवम्बर, 1983

का०आ० 4379—मौरमुगाओ डॉक कर्मकार (नियोजन का विनियमन) स्कीम, 1965 का और संशोधन करने के लिए स्कीम का एक प्रारूप, डॉक कर्मकार (नियोजन का विनियमन) अधिनियम, 1948 (1948 का 3) की धारा 4 की उपधारा (1) की अपेक्षानुसार भारत सरकार के नौवहन और परिवहन (परिवहन पक्ष) मंत्रालय की अधिसूचना सं० का० आ० 2380 तारीख 6 मई 1983 के अर्थात्, भारत के राजपत्र, असाधारण, भाग 2, खंड 3, उपखंड (2) तारीख 28 मई, 1983 के पृष्ठ 2301 पर प्रकाशित की गई थी जिसमें उक्त व्यक्तियों ने उक्त अधिसूचना के राजपत्र में प्रकाशन की तारीख से दो मास की अवधि के अवसान तक आक्षेप और सुझाव मांगे गए थे, जिनके उसमें प्रभावित होने की संभावना थी।

और उक्त राजपत्र 13 जून, 1983 को जनता की उपलब्ध करा दिया गया था;

और उक्त प्रारूप स्कीम के संबंध में कोई आक्षेप या सुझाव प्राप्त नहीं हुए हैं,

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 4 की उपधारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए मौरमुगाओ डॉक कर्मकार (नियोजन का विनियमन) स्कीम, 1965 का और संशोधन करने के लिए निम्नलिखित स्कीम बनाती है, अर्थात्:—

1. (1) इस स्कीम का संक्षिप्त नाम मौरमुगाओ डॉक कर्मकार (नियोजन का विनियमन) द्वितीय संशोधन स्कीम, 1983 है।

(2) यह राजपत्र में प्रकाशन की तारीख को प्रवृत्त होगी।

2. मौरमुगाओ डॉक कर्मकार (नियोजन का विनियमन) स्कीम, 1965 की अनुसूची 1 की मद सं० (1) में "घाट से अभिवहन रोड तक" शब्दों के स्थान पर "घाट से अभिवहन रोड तक और अभिवहन रोड से घाट तक" शब्द रखे जाएंगे।

[फा० सं० एल डी जी/29/82/एल-4]

बी० शंकरलिंगम, उप सचिव

MINISTRY OF SHIPPING AND TRANSPORT

(Labour Division)

New Delhi, the 14th November, 1983

S.O. 4379.—Whereas certain draft scheme further to amend the Mormugao Dock Workers (Regulation of Employment) Scheme, 1965, was published, as required by sub-section (1) of Section 4 of the Dock Workers (Regulation of

Employment) Act, 1948 (9 of 1948), with the notification of the Government of India in the Ministry of Shipping and Transport (Transport Wing), No. S. O. 2380, dated the 6th May, 1983, in the Gazette of India, Part II, Section 3, sub-section (ii) dated the 28th May, 1983 at page 2301 inviting objections and suggestions from all persons likely to be affected thereby till the expiry of a period of two months from the date of publication of the said notification in the Official Gazette;

And Whereas the said Gazette was made available to the public on the 13th June, 1983;

And whereas no objections and suggestions have been received from the public on the said draft scheme;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the said Act, the Central Government hereby makes the following scheme further to amend the Mormugao Dock Workers (Regulation of Employment) Scheme, 1965, namely:—

1. (i) This scheme may be called the Mormugao Dock Workers (Regulation of Employment) Second Amendment Scheme, 1983.

(ii) It shall come into force on the date of its publication in the Official Gazette.

2. In the Mormugao Dock Workers (Regulation of Employment) Scheme, 1965, in Schedule I, in item No. (1), the words "and vice-versa" shall be inserted at the end.

[F. No. LDG/29/82-L. IV]

V. SANKARALINGAM, Dy. Secy.

(परिवहन पक्ष)

नई दिल्ली, 17 नवम्बर, 1983

कांआं 4380.—श्री सुब्रता मुकुर्जी को, भारत सरकार के परिवहन और परिवहन मंत्रालय (परिवहन पक्ष) की अधिसूचना कांआं सं० 721 (अ), तारीख 8 अक्टूबर, 1982 द्वारा, जो कि भारत के राजपत्र (असाधारण) भाग 2, खण्ड 3, उपखंड (ii) तारीख 8 अक्टूबर, 1982 में प्रकाशित की गई थी डाक कर्मचारियों के एक प्रतिनिधि के रूप में डाक कर्मकार सलाहकार समिति का सदस्य नियुक्त किया गया था।

2. और श्री सुब्रता मुकुर्जी ने डाक कर्मकार सलाहकार समिति के सदस्य के रूप में अपना पद त्याग करने की अपनी इच्छा व्यक्त की है और इस प्रकार उक्त डाक कर्मकार सलाहकार समिति में सदस्य का एक पद रिक्त हो गया है।

3. अतः, अब केन्द्रीय सरकार, डाक कर्मकार (सलाहकार समिति) नियम, 1962 के नियम 3 के उपनियम (3) के साथ पठित डाक कर्मकार (नियोजन का विनियमन) अधिनियम, 1948 (1948 का 9) की धारा 5 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, श्री जानकी मुखर्जी को, श्री सुब्रता मुकुर्जी के स्थान पर डाक कर्मकार सलाहकार समिति के सदस्य के रूप में नियुक्त करती है और भारत सरकार के परिवहन और परिवहन मंत्रालय (परिवहन पक्ष) की अधिसूचना, कांआं सं० 650 (अ) तारीख 2 सितम्बर, 1982 में, जो कि भारत के राजपत्र

(असाधारण) भाग 2, खण्ड 3, उपखंड (ii) तारीख 6 सितम्बर, 1982 में प्रकाशित की गई थी, निम्नलिखित संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में मद 9 में "डाक कर्मचारियों की प्रतिनिधित्व करने वाले सदस्य" शीर्षक के नीचे "श्री सुब्रता मुकुर्जी" शब्दों के स्थान पर "श्री जानकी मुखर्जी" शब्द रखे जाएंगे।

[कां सं० एल डी ओ/44/82-यू एम (एल) (जि० II)]

प्रताप सिंह, डेस्क अधिकारी

टिप्पणी:—मूल अधिसूचना, कांआं सं० 650 (अ)

तारीख 6 सितम्बर, 1982 के अधीन प्रकाशित की गई थी। तत्पश्चात् इसका निम्नलिखित अधिसूचनाओं द्वारा संशोधन किया गया:—

कांआं सं० 721 (अ) तारीख 8 अक्टूबर, 1982।

कांआं सं० 849 (अ) तारीख 15 दिसम्बर, 1982

(Transport Wing)

New Delhi, the 17th November, 1983

S.O. 4380.—Whereas Shri Subrata Mookerjee was appointed as a member of the Dock Workers Advisory Committee as a representative of the Dock workers vide notification of the Government of India in the Ministry of Shipping and Transport (Transport Wing) S.O. 721(E) dated the 8th October, 1982 published in the Gazette of India (Extraordinary) Part II, Section 3, Sub-section (ii) dated the 8th October, 1982.

2. Whereas Shri Subrata Mookerjee has expressed his desire to relinquish his position as member of the Dock Workers Advisory Committee and thus a vacancy has occurred in the said Dock Workers Advisory Committee.

3. Now, therefore, in exercise of the powers conferred by sub-section (2) of section 5 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948) read with sub-rule (3) of rule 3 of the Dock Workers (Advisory Committee) Rules, 1962, the Central Government hereby appoints Shri Janaki Mukherjee as a member of the Dock Workers Advisory Committee vice Shri Subrata Mookerjee and makes the following amendment in the notification of Government of India in the Ministry of Shipping and Transport (Transport Wing) S.O. No. 650(E) dated the 2nd September, 1982 published in the Gazette of India (Extraordinary), Part II, Section 3, Sub-section (ii) dated the 6th September, 1982 namely:—

In the said notification, under the heading "Members representing the Dock Workers" in item 9 for the words "Shri Subrata Mookerjee" the words "Shri Janaki Mukherjee" shall be substituted.

[File No. LDO/44/82-US (L) (Vol. II)]

PARTAP SINGH, Desk Officer.

Note.—The principal notification was published vide S.O. No. 650(E) dated the 6th September, 1982. This was subsequently amended vide notifications mentioned below:—

S.O. No. 721(E) dated the 8th October, 1982

S.O. No. 849(E) dated the 15th December, 1982

ग्रामीण विकास मंत्रालय
(विपणन एवं निरीक्षण निदेशालय)
फरीदाबाद, 31 अक्टूबर, 1983

श्रम तथा पुनर्वासि मंत्रालय
(श्रम विभाग)
आदेश
नई दिल्ली, 8 जून, 1983

का० आ० 4381:—शीतागार आदेश, 1980 के एस० ओ० सं० 2453, दिनांक 1-9-1980 (जि० एस० ओ० सं० 2964, दिनांक 23-7-1983 द्वारा संशोधित) की धारा 2 (एच) के अनुसार प्रदत्त अधिकारों का प्रयोग करते हुए मैं, शीतागार आदेश, 1980 के अधीन स्वीकृत शीतागार अनुज्ञापन नवीकरण के अधिकार निम्नलिखित संबंधित अधिकारियों को सौंपता हूँ।

क्र० सं०	क्षेत्र का नाम	अधिकार प्रदत्त अधिकारी का पद
1.	उत्तरी क्षेत्र	वरिष्ठ विपणन अधिकारी, प्रभारी, उत्तरी क्षेत्र, नई दिल्ली।
2.	दक्षिणी क्षेत्र	वरिष्ठ विपणन अधिकारी, प्रभारी, दक्षिणी क्षेत्र, मद्रास।
3.	पूर्वी, उत्तरी, पश्चिमी और दक्षिणी क्षेत्र	निदेशक (शीतागार प्रशासन) एवं वरिष्ठ विपणन विकास अधिकारी, प्रधान कार्यालय, फरीदाबाद।

[सं० एफ० 16/1/79/सी०एस०]

गोपाल शरण शुक्ल, कृषि विपणन सलाहकार
MINISTRY OF RURAL DEVELOPMENT

(Directorate of Marketing & Inspection)

F. ri abad, the 31st October, 1983

S.O. 4381:— I exercise of the powers conferred on me vide Clause (1) of the Cold Storage Order, 1980 S.O. No. 2453 dated 1-9-1980 (as amended vide S.O. No. 2964 dated 23-7-1983), hereby delegate powers of renewal of cold storage licences granted under the Cold Storage Order, 1980, to the concerned officers as under:—

Sl. No.	Name of the Region	Designation of the Officer to whom powers are delegated
1.	Northern Region	Senior Marketing Officer Incharge, Northern Region, New Delhi.
2.	Southern Region	Senior Marketing Officer Incharge, Southern Region, Madras.
3.	Eastern, Northern, Western and Southern Regions.	Director (Cold Storage Refrigeration) and Senior Marketing Development Officer, Head Office, Faridabad.

[No. F. 16/1/79-CS]

G.S. SHUKLA, Agricultural Marketing Adviser.

का०आ० 4382:—केन्द्रीय सरकार की यह राय है कि इससे उपावद्ध अनुसूची में विनिर्दिष्ट विषय के बारे में पश्चिमी प्रशासन के प्रबंध-तंत्र से सम्बद्ध एक औद्योगिक विवाद रेलवे नियोजकों और उनके कर्मचारों के बीच विद्यमान है,

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशन करना वांछनीय समझती है,

अतः, अब केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री महेन्द्र भूषण शर्मा होंगे, जिसका मुख्यालय जयपुर में होगा और उक्त विवाद उक्त अधिकरण को न्यायनिर्णयन के लिए निर्दिष्ट करती है।

अनुसूची

“क्या महाप्रबंधक, पश्चिमी रेल, चर्चगेट, मुम्बई की श्री बी०वी० देसाई, आई एच ई आर ग्रेड III (रु० 425-640 आर) से आई एच ई आर ग्रेड II (रु० 550-750 आर) में प्रोन्नति, जो सी पी ओ, पश्चिमी रेल, मुम्बई द्वारा उनके पत्र संख्यांक ई-1025/32, तारीख 20-7-1973 द्वारा अनुमोदित पैनल के अनुसार है, देने की कार्यवाई न्यायोचित और वैध है, यदि नहीं, कर्मकार किस अनुतोष का हकदार है ?”

[सं० एल-41011/17/82-डी०-II(बी)]

हरी सिंह, डेस्क अधिकारी

MINISTRY OF LABOUR AND REHABILITATION

(Department of Labour)

ORDER

New Delhi, the 8th June, 1983

S.O. 4382.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Western Railway Administration and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by Section 7A, and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby, constitute an Industrial Tribunal of which Shri Mahendra Bhushan Sharma shall be the Presiding Officer with headquarters at Jaipur and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

“Whether the action of the General Manager, Western Railway, Churchgate, Bombay in not giving promotion to Shri B. V. Desai, IHER Gr. III (Rs. 425—640R) to IHER Gr. II (Rs. 550—750R) in accordance with the panel approved by the CPO, W.R., Bombay vide his letter No. E. 1025/32 dated 20-7-1973 is justified and legal? If not, to what relief the workman is entitled?”

[No. L-41011(17)/82-D.II(B)]

HARI SINGH, Desk Officer

आदेश

नई दिल्ली, 3 अगस्त, 1982

का०आ० 4383.—केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषय के बारे में कनेरा बैंक, गोहाटी के प्रबंध-तंत्र से सम्बद्ध एक औद्योगिक विवाद नियोजकों और उनके कर्मकारों के बीच विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है;

अतः, केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री आर० सी० बोरा होंगे, जिनका मुख्यालय डिब्रूगढ़ में होगा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

“क्या कनेरा बैंक, गोहाटी के प्रबंध-तंत्र की श्री दिलीप कुमार शर्मा, लिपिक, फैंसी बाजार ब्रांच, गोहाटी की सेवाओं को 16-1-1980 के स्थान पर 13-4-1981 से नियमित करने की कार्रवाई ही न्यायोचित है? यदि नहीं तो संबंधित कर्मकार किस अनुतोप का हकदार है?”

[सं० एल-12012/308/81-डी०-II(ए)]

ORDER

New Delhi, the 3rd Augus, 1982

S.O. 4383.—Whereas the Central Government is of the opinion that an industrial dispute exists between the employers in relation to the management of Canara Bank, Gauhati, and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by Section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri R. C. Bora shall be the Presiding Officer, with headquarters at Dibrugarh and refers the said dispute for adjudication in the said Tribunal.

SCHEDULE

“Whether the action of the management of Canara Bank, Gauhati in regularising the services of Shri Dilip Kumar Sharma, Clerk, Fancy Bazar Branch, Gauhati with effect from 13-4-81 instead of from 16-1-80, is justified? If not, to what relief is the workman concerned entitled?”

[No. L-12012/308/81-D-II(A)]

आदेश

नई दिल्ली, 19 अक्तूबर, 1983

का० आ० 4384.—केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषय के बारे में यूनियन

बैंक आफ इंडिया, अहमदाबाद के प्रबंध से सम्बद्ध एक औद्योगिक विवाद नियोजकों और उनके कर्मकारों के बीच विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है;

अतः, केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री जी० एस० बरोट होंगे, जिनका मुख्यालय अहमदाबाद में होगा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

“क्या यूनियन बैंक आफ इंडिया के प्रबंध-तंत्र की अपनी जूनागढ़ शाखा के संबंध में श्री बी० आर० पटेल, लिपिक और टंकक की सेवाएं 13-11-76 से समाप्त करने और उसी पद पर उनकी पुनर्नियुक्ति के पश्चात् उन्हें 23-1-78 से सेवा में निरंतरता न देने की कार्रवाई न्यायोचित है? यदि नहीं तो, संबंधित कर्मकार किस अनुतोप का हकदार है।”

[सं० एल०-12012/22/83-डी०-II(ए)]

एन० के० वर्मा, डेस्क अधिकारी

ORDER

New Delhi, the 19th October, 1983

S.O. 4384.—Whereas the Central Government is of the opinion that an industrial dispute exists between the employers in relation to the management of Union Bank of India, Ahmedabad and their workman in respect of the able to refer the said dispute for adjudication;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by Section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an industrial tribunal of which Shri G. S. Barot shall be the Presiding Officer, with headquarters at Ahmedabad and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

“Whether the action of the management of the Union Bank of India in relation to their Junagadh Branch in terminating the service of Shri B. R. Patel, Clerk-cum-Typist with effect from 13-11-76 and not giving him continuity of service after his re-employment in the same post with effect from 23-1-78 is justified? If not, to what relief is the workman concerned entitled?”

[No. L-12012/22/83-D-II(A)]

N. K. VERMA, Desk Officer

New Delhi, the 19th November, 1983

S.O. 4385.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi in the industrial dispute between the employers in relation to the management of Union Bank of India and their workmen, which was received by the Central Government on the 10th November, 1983.

BEFORE SHRI O. P. SINGLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
NEW DELHI
I.D. No. 33 of 1979

In the matter of dispute between :

Shri Radhey Shyam Bansal,
through

Delhi State Bank Workers Organisation, Delhi,

Versus

Union Bank of India C/o Regional Manager, Connaught
Place, New Delhi.

PRESENT :

Shri Sat Pal—for the Management.

Shri R. S. Kadam—for the workman along with the
workman in person.

AWARD

The Central Government, Ministry of Labour, vide Order No. 1-12012/113/78-D.II(A) dated 20th June, 1979, made reference of the following dispute to this Tribunal for adjudication :—

"Whether the action of the Management of Union Bank of India in terminating services of Shri Radhey Shyam Bansal, Clerk, Shahdara Branch is justified? If not, to what relief is the concerned workman entitled to?"

2. The Management's case is that the workman was given only temporary employment against temporary vacancy from time to time. He was given a special chance for regular employment, but even though he qualified the written test held on 24-12-75, he failed to qualify the subsequent interview, which was one of the pre-conditions. In accordance with the conciliation agreement, a communication was sent at his last known address by registered post, telegraphically and by special messenger to appear in the test on 22nd December, 1973, but the special messenger was informed at that address that the employee was not residing there. There registered cover was also received back with the same remarks.

3. Today the parties submitted a voluntary settlement under which the Management agreed to appoint Shri Radhey Shyam Bansal, the concerned workman, afresh in the Clerical Cadre of the Bank on regular basis in permanent vacancy on or before 1-12-1983 and the workman agreed not to press for any back wages or any other benefit for any period whatsoever prior to the date of aforesaid fresh letter of appointment. The workman further agreed that this industrial dispute will not be pressed by him and the terms of the settlement will not be quoted as a precedent for any purpose.

4. In accordance with the aforesaid settlement, filed in court today, under which the Management has agreed to offer the workman fresh appointment on regular basis in permanent vacancy on or before 1-12-83 the dispute pending before this Tribunal is not proceeded further and the direction is issued to the Management to offer the workman regular substantive appointment on or before 1-12-83 afresh in the Clerical Cadre.

Further ordered that the requisite number (six) copies of this award be forwarded to the Central Government for necessary action at their end.

November 1, 1983.

O. P. SINGLA, Presiding Officer
[No. L-12012/113/78-D.II(A)]

आदेश

नई दिल्ली, 22 नवम्बर, 1983

का० आ० 4386:—केन्द्रीय सरकार की यह राय है कि इसमें उपायुक्त अनुसूची में विनिर्दिष्ट विषय के बारे

में इन्डियन बैंक, कोट्टायम शाखा के प्रबंधन के संबंधित एक औद्योगिक विवाद नियोजकों और उनके कर्मकार के बीच विद्यमान है ;

और केन्द्रीय सरकार उक्त विवाद को न्याय-निर्णयन के लिए निर्देशित करना वांछनीय समझती है ;

अतः, अब केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के खण्ड (ब) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री टी० अरुल राज होंगे, जिनका मुख्यालय मद्रास में होगा और उक्त विवाद को उक्त अधिकरण को न्याय-निर्णयन के लिए निर्देशित करती है।

अनुसूची

"क्या इन्डियन बैंक के प्रबंधन की अपनी कोट्टायम शाखा के संबंध में श्री राय लूकोस, अस्थायी चपरासी की सेवाएं 7-2-1981 से समाप्त करने की कार्रवाई न्यायोचित है? यदि नहीं तो संबंधित कर्मकार किस अनुसूचि का हकदार है."

[सं० एल-12012/281/82-डी-II (ए)]

एन० के० वर्मा, डेस्क अधिकारी

ORDER

New Delhi, the 22nd November, 1983

S.O. 4386.—Whereas the Central Government is of the opinion that an industrial dispute exists between the employers in relation to the management of Indian Bank, Kottayom Branch and their workman in respect of the matter specified in the Schedule hereto annexed ;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication ;

Now, therefore, in exercise of the powers conferred by Section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri T. Arul Raj shall be the Presiding Officer with headquarters at Madras and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

"Whether the action of the management of the Indian Bank in relation to its Kottayam Branch in terminating the services of Shri Roy Lukose, temporary Peon with effect from 7-2-1981 is justified? If not, to what relief is the workman concerned entitled?"

[No. L-12012/281/82-D.II(A)]

N. K. VERMA, Desk Officer

New Delhi, the 22nd November, 1983

S.O. 4387.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Bombay in the industrial dispute between the employers in relation to the management of Bank of Maharashtra and their workmen, which was received by the Central Government on the 10th November, 1983.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 2, BOMBAY

Reference No. CGIT-2/20 of 1983

PARTIES :

Employer in relation to the management of Bank of Maharashtra.

AND
Their Workman

APPEARANCES :

For the Employers.—Shri Nijampurkar R. M., Officer, Staff Divn.

For the Workmen.—Shri R. D. Jog, President; Shri V. D. Karmarkar, Joint Secretary, Bank of Maharashtra Karmachari Sangh.

INDUSTRY : Banking
STATE : Maharashtra

Bombay, the 20th October, 1983

AWARD

(Dictated in the open Court)

By their order No. L-12025(20)/82-D. II(A) dated 2-3-1983 the following dispute has been referred under Section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication :—

“Whether the Circular No. Ay-1/B. Rd. dated the 29th January, 1982 issued by the Manager, Bajirao Road Branch, Pune-2 of the Bank of Maharashtra regarding allotment of allowance post is valid and justified? If not, to what relief are the workmen affected by the said circular entitled?”

2. A conflict between the circulars issued by the Central office of the Bank of Maharashtra on 5-8-1974 and that issued by the Manager, Bajirao Road Branch, Pune of the same Bank on 29-1-1982 has given rise to the present reference, the contention of the Union who is espousing the cause of the workmen being that the Manager in the light of the Circular of the Central Office could not have effected any modification in the policy laid down in the Central Office circular and the modification effected by the Manager is without any authority and it is not valid and binding on the workers and therefore suitable relief be granted. Though the pleadings are little bit lengthy the dispute really centres or revolves on this issue, the Union challenging the authority of the Manager while the Bank reiterating the validity of the said action.

3. In the light of the pleadings the following issues therefore arise for consideration and my findings thereon are :—

ISSUES**FINDINGS**

- | | |
|---|--|
| (1) Whether there existed no dispute on the date of reference? If not, whether the reference is bad? | There exists no dispute and therefore the dispute calls for an adjudication. |
| (1A) Whether there is a conflict between the circular of the Manager and the Head Office circular dated 5-8-1974? | Yes |
| (2) If yes whether the circular issued by the Manager is valid and legal? | No. |
| (3) Whether the said circular is arbitrary, unjust and violative of the provision of the Award and Settlements? | No, so far as conflict on Head Office circular. |
| (4) Is it valid and justified? | Yes |
| (5) If not to what relief the affected workmen are entitled? | Does not arise |
| (6) What award? | As per order. |

REASONS

4. If we compare the circular issued by the Bank of Maharashtra Head Office dated 5-8-1974 with that of the circular dated 29-1-1982, it is evident that some of the clauses in the latter circular are directly in conflict with the policy laid down by the Head Office. It is stated in the circular dated 5-8-1974, annexure 'C', that all allowance posts are to go by Seniority unless there is something adverse against such as moral turpitude or misconduct of any sort for which action is taken and punishment awarded or any inherent inefficiency or physical disability or that the person concern-

ed is unwilling to take the post. Seniority in this regard is to be seniority at the Branch/divisional office/central office as the case may be and it is to be decided on the basis of the date of joining at the Branch/Divisional Office/Central Office. The Head office had also laid down that for comparing or deciding seniority, employees belonging to the same class, confirmed employees, probationers and temporary employees are to be considered separately. Then it is stated that if among two or more persons belonging to the same class, joining at the branch/divisional office/central office on one and the same day, seniority shall be counted on the basis of alphabetical order based on Surname. Persons transferred on request or compassionate ground shall rank for seniority last viz-a-vis persons of the same class already working there. Similarly among two or more persons belonging to the same class transferred on request or compassionate grounds the inter-se seniority would be on the basis of the date of joining at the Branch/Divisional office/Central Office etc. Clause 7 then says that in the event of a post carrying allowance falling vacant, the next eligible senior person in that cadre shall be asked to do the job and for the said purpose instructions shall be given in writing.

5. Having perused the head office circular if we advert to the circular dated 29-1-1982 which is admittedly subsequently issued by the Manager, Bajirao Road Branch, Pune-2, Annexure 'A' it is evident that in certain matters the Head Office circular is departed from and the Manager had laid down altogether a different policy. Clause 2 of the same says that the entry to the machine section will be only through cash section as per seniority i.e. the staff member will not be eligible for machine operator's post unless he is working in the cash department. It is not disputed that the Machine operators post is also an allowance post and therefore unless the Head office had made it clear or made distinction between the Machine operator post and other allowance posts, the Manager of a particular branch could not have effected any such distinction so as to depart from the Policy laid down by the Head Office. Clause 3 says that declining to work in cash section debars the staff member for any allowance post. We have already seen that in annexure 'C' it is not stated accordingly. Similarly clause 4 states that in case cashier working in Cash Section declines to accept the machine operator's post such decline will disqualify him for higher allowance post. Annexure 'C', it is evident, is silent on this point.

6. It may be that having realised certain difficulties by the policy as may be chalked out by the Central Office, the Manager wanted to find out a solution but when he was effecting changes particularly when they were already effected by the Circular of the Head Office, any change may be restricted to a particular branch, can still be a change in the condition of service attracting the provisions of Section 9A of the Industrial Disputes Act and unless either there was consent or there was a notice as required by law, the Manager could not have effected any such changes even operative within the branch under him.

7. Having arrived at this conclusion and having found that the Manager had no such authority, certain events which intervened between the order of reference and the facts leading to the present dispute must be mentioned. On 22-2-1983 the Bank of Maharashtra through their Divisional Manager issued notice under Section 9A of the Industrial Disputes Act, 1947 whereby the Bank now has adopted the Manager's circular and now they intend to carry out suitable changes in the conditions of service. It is true that the Union is not agreeable to such changes and therefore a dispute has been raised before the Conciliation Officer which is still pending there. May be that on failure report in case there be any, the matter may ultimately culminate in fresh reference where the validity or otherwise of the proposed changes will be considered but since the Manager's circular now merged in the notice of change under Section 9A of the Act, cannot have any separate existence the conflict between the two circulars annexure 'A' and 'C' now has only some academical value, for all practice purposes the matter being resting on the notice under Section 9A of the Industrial Disputes Act.

8. In my view therefore having regard to the subsequent developments although I find a conflict between the two circulars above referred and though I find that the Branch Manager could not have laid down any policy different than that chalked out by the Head Office, when the Head Office has subsequently incorporated these changes in their own

notices, there remains no dispute to be resolved because ultimately the dispute will have to be centred on the question of validity of the notice of change under Section 9A of the Industrial Disputes Act and not whether the Manager has a right to issue such circular, and whether the proposed changes are valid and binding on the workmen serving in the Bank. As the order of reference stands the dispute is of general nature and not restricted to any particular person who might not have suffered any monetary loss nor there is any proof and therefore determination of the dispute is not at all needed in the light of the facts stated above. The result is that although the Union has succeeded in bringing about the facts constituting the cause of action, the force behind the order of reference stands deflated due to the subsequent action of the management in their attempt to bring about changes legally and validly.

No order as to costs.

M. A. DESHPANDE, Presiding Officer
(No. L-12025(20)/82-D. II (A))
N. K. VERMA, Desk Officer.

नई दिल्ली, 31 अक्टूबर, 1983

कांआ० 4388:—भारत सरकार के तत्कालीन श्रम और रोजगार मंत्रालय की अधिसूचना संख्या कांआ० 1034 तारीख 3 अप्रैल, 1962 द्वारा गठित श्रम न्यायालय, क्यूलोन में पीठासीन अधिकारी का पद रिक्त हुआ है।

अतः अब औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 8 के उपबन्धों के अनुसरण में केन्द्रीय सरकार श्रीमती सी० विसालक्षी अम्मा को 16 जुलाई, 1983 से उक्त न्यायालय के पीठासीन अधिकारी के रूप में नियुक्त करती है।

[सं० एस-11025(6)/82-डी-1(ए)]
एस० एच० एस० अय्यर, अवर सचिव

New Delhi, the 31st October, 1983

S.O. 4388.—Whereas a vacancy has occurred in the office of Presiding Officer of the Labour Court, Quilon, constituted by the notification of the Government of India in the then Ministry of Labour and Employment No. S.O. 1034 dated the 3rd April, 1962;

Now, therefore, in pursuance of the provisions of section 8 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby appoints Smt C. Visalakshy Amma, as the Presiding Officer of the said Labour Court, with effect from the 16th July, 1983.

[No. S-11025/6/82-D.I(A)]
S. H. S. IYER, Under Secy.

आदेश

नई दिल्ली, 9 नवम्बर, 1983

कांआ० 4389:—केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषय के बारे में भारत गोल्ड माईन्स लिमिटेड से सम्बद्ध एक औद्योगिक विवाद नियोजकों और उनके कर्मचारों के बीच विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद को न्याय-निर्णयन के लिए निर्देशित करना वांछनीय समझती है;

अतः, केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की

उपधारा (1) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एक औद्योगिक अधिकरण, गठित करती है जिसके पीठासीन अधिकारी श्री वी०एच० उपाध्याय होंगे, जिनका मुख्यालय बंगलौर में होगा और उक्त विवाद को उक्त अधिकरण को न्याय-निर्णयन के लिए निर्देशित करती है।

अनुसूची

“क्या भारत गोल्ड माईन्स लिमिटेड के प्रबंधक का श्री के० शानमगम, दस्तकार सहायक को 21-4-1980 से नौकरी से हटाना न्यायोचित है? यदि नहीं तो उक्त कर्मकार किस अनुतोष का हकदार है?”

[सं० एल-43012/2/82-डी-3(बी)]

एस० एस० भल्ला, अवर सचिव

ORDER

New Delhi, the 9th November, 1983

S.O. 4389.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Bharat Gold Mines Limited and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri V. H. Upadhyaya shall be the Presiding Officer, with headquarters at Bangalore and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

“Is the management of Bharat Gold Mines Limited justified in dismissing Shri K. Shanmugam, Craftsman Assistant, with effect from 21-4-1980? If not, to what relief the said workman is entitled?”

[No. L-43012/2/82-D.III(B)]
S. S. BHALLA, Under Secy.

New Delhi, the 11th November, 1983

S.O. 4390.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad in the industrial dispute between the employers in relation to the management of Kessurgarh Colliery of Messrs Bharat Coking Coal Limited and their workmen, which was received by the Central Government on the 5th November, 1983.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No 30 of 1981

PARTIES:

Employers in relation to the management of Kessurgarh Colliery of Messrs Bharat Coking Coal Limited Post Office Nadkharke, District Dhanbad.

AND

Their Workmen.

PRESENT:

Mr. Justice Manoranjan Prasad (Retd.), Presiding Officer.

APPEARANCES:

For the Employers—Shri B. Joshi, Advocate.

For the Workmen—Shri J. D. Lal, Secretary, Bihar Colliery Kamgar Union.

STATE: Bihar.

INDUSTRY: Coal.

AWARD

Dhanbad the 29th October, 1983

By Order No. L-20012/96/77-D.III.A, dated, the 2nd June, 1981, the Central Government in the Ministry of Labour, has, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal for adjudication.

"Whether the action of the management of Kessarghar Colliery of Messrs Bharat Coking Coal Limited, Post Office Nudkharkee, District Dhanbad in dismissing Shri Bhog Singh, B.P. Miner/Loader with effect from the 31st July, 1975 is justified: If not, to what relief is the said workman entitled?"

2. The case of the management is that on 19-11-74 at about 11 a.m. the concerned workman, Bhog Singh, B.P. Miner/Loader, was found moving in a suspicious condition in an area full of bushes within the colliery premises of Kessarghar colliery adjoining to Hard Coke Bhatta by the side of old 14 seam, and, on seeing the security man, Sakal Deep Singh, he and his outside associates started running, whereupon the night guards, Kameswar Singh and Rajeswar Singh chased and caught hold of him, and, on search, a country made revolver with a live cartridge was recovered from his possession whereupon he was handed over to the police and was remanded to jail custody where he remained from 20-11-74 to 21-4-75 whereafter he was released on bail. He being a miner/loader had no justification to carry a country made revolver with live cartridge and he had also no licence for the same and it was a serious offence under section 3 of the Arms Act, 1959 punishable under section 25 of the said Act. This amounted to commission of serious type of misconduct on his part for which he was issued a charge-sheet to which he submitted his reply denying the allegations. Thereafter a letter dated 26-4-75 was issued fixing 30-4-75 as the date of enquiry on which date the enquiry was held in his presence and he fully participated in it. The management examined its witnesses and he was given full opportunity to cross-examine them and he was also given opportunity to make his own statement and produce his witnesses and in this way the enquiry was conducted in accordance with the principles of natural justice. As a result of the enquiry he was found guilty of the charge and after examination of the enquiry proceedings, the enquiry report and other relevant papers by the competent authorities, he was dismissed from service with effect from 31-7-75 with the approval of the General Manager/Chief Mining Engineer of the area concerned for his proved misconduct of a serious nature. The contention of the management, therefore, is that his dismissal with effect from 31-7-75 is justified and he is not entitled to any relief.

3. On the other hand, the case of the concerned workman is that he was an active member of the Bihar Colliery Kamgar Union which was not liked by the management as a result of which at the instance of the management he was implicated by its security personnel in a false case under the Arms Act and he was arrested by the security personnel from his house and he was handed over to the police and he remained in jail from 20-11-74 till he was bailed out on 22-4-75. His further case is that on being released on bail he reported for duty to the Manager of the colliery but he was not allowed to join his duty and he was issued a chargesheet dated 18-1-75 which he denied and contended that he was falsely implicated in the Arms Act case because of his trade union activities. Thereupon a domestic enquiry was held and subsequently he was dismissed from service with effect from 31-7-1975. According to him, the findings of the Enquiry Officer were based on wrong surmise and insufficient evidence and the action of the management in dismissing him from service with effect from 31-7-75 is quite illegal and unjustified and it amounts to victimisation for his trade union activities. Subsequently, he has also filed an additional written statement to the effect that he had since been discharged by the Sub-Divisional Officer, Baghmara, in the police case as the police could not submit chargesheet against him in spite of sufficient time being allowed for the purpose.

1042GI/83—

4. On 10-12-82 a petition was filed on behalf of the management to decide the issue regarding fairness and propriety of the domestic enquiry as preliminary issue, and, accordingly, the fairness and propriety of the domestic enquiry was taken up as a preliminary issue when Sri P. K. Ray, MW-1, the Enquiry Officer, was examined in this case and certain documents from the file of the domestic enquiry were exhibited on behalf of the management. No evidence was, however, led on behalf of the concerned workman. The question of fairness and propriety of the domestic enquiry was disposed of by order dated 27-5-83 holding that the enquiry was quite fair and proper.

5. Thereafter the case has been heard on merit on the basis of the materials already on the record of the domestic enquiry. At the time of hearing of the case on merit a certified copy of the order dated 6-4-81 of the Court of the Sub-Divisional Judicial Magistrate, Baghmara at Dhanbad in G.R. Case No. 26N91/74 (State Vs. Bhog Singh and others) had also been marked as Ext. W-1 on behalf of the concerned workman by which the Sub-Divisional Judicial Magistrate had discharged the concerned workman in Baghmara P. S. Case No. 30(11)74 under Section 25 of the Arms Act arising out of this very occurrence of 19-11-74 on the ground that though the case was of the year 1974 the final form had not been submitted by the police till 6-4-81 by which date the taking of cognisance had become time barred. The certified copy of the First Information report of the said Baghmara P.S. Case No. 30(11)74 had also been marked as Ext. W-2 on behalf of the concerned workman.

6. The chargesheet, Ext. M-1, issued against the concerned workman shows that he was chargesheeted for misconduct under "clause 18(1)(q) of the Standing Orders i.e. abetment of Arms Act". At the time of hearing it was, however, conceded by Sri B. Joshi, Advocate appearing on behalf of the management that "clause 18(1)(q) of the Standing Orders" mentioned in the chargesheet is a typing mistake for "clause 17(1)(q) of the Standing Order" and "abetment of Arms Act" is also a mistake for "breach of Arms Act". Clause 17(1) of the Model Standing Orders which is applicable to M/s. Bharat Coking Coal Ltd., it having no separate certified Standing Orders of its own, gives a list of several acts which amount to misconduct for which disciplinary action can be taken by the management against a workman and one of such misconducts listed under clause 17(1)(q) is as follows:

"(q) Any breach of the Mines Act, 1952, or any other Act or of any rules, regulations or bye-laws thereunder, or of any Standing Orders."

7. The case of the management, as already stated above, is that on 19-11-74 at about 11 a.m. the concerned workman, who is a B. P. Miner/Loader, was found moving in a suspicious condition in an area full of bushes within the colliery premises of Kessarghar colliery adjoining to Hard Coke Bhatta by the side of old 14 seam, and, on seeing the security man, Sakal Deep Singh, he and his outside associates started running whereupon the night guards, Kameswar Singh and Rajeswar Singh, chased and caught hold of him, and, on search, a country made revolver with a live cartridge was recovered from his possession whereupon he was handed over to the police and was remanded to jail custody where he remained from 20-11-74 to 21-4-75 whereafter he was released on bail. It is also the case of the management that he being a miner/loader had no justification to carry a country made revolver with live cartridge and he had also no licence for the same and it was a serious offence under section 3 of the Arms Act, 1959 punishable under section 25 of the said Act and this amounted to commission of serious type of misconduct on his part under the aforesaid Standing Orders 17(1)(q) of the Model Standing Order under which any breach of any other Act also amounts to misconduct for which disciplinary action can be taken.

8. From a perusal of the domestic enquiry proceeding (Ext. M-7) it would appear that in the enquiry three witnesses were examined on behalf of the management and two on behalf of the concerned workman.

9. Out of the three witnesses examined on behalf of the management the first witness was Sri J. P. Singh, Manager of the colliery who is not an eye witness to the occurrence or a witness to the search and seizure or recovery of any country made revolver or live cartridge from the possession of the concerned workman and he had simply given a hearsay

account by stating that on 19-11-74 at about 11 a.m. Indra Kant Jha, Havildar and Kuseswar Jha, S.I. Security Force had informed him that the concerned workman had been apprehended with a country made revolver whereupon he asked them to report the matter to the local police. The second witness examined on behalf of the management was Biswanath Singh, S.I. of Security Force, who had in the very opening line of his evidence stated that on 19-11-74 he was not present at Kessargarh colliery when the occurrence is said to have taken place, and he had simply filed before the Enquiry Officer a copy of the Station Diary entry No. 544 dated 19-11-74 the original whereof forms the First Information Report (Ext. W-2) of Baghmara P.S. Case No. 30 (11)74.

10. It is stated in the said Station Diary entry No. 544 dated 19-11-74 which forms the First Information Report of Baghmara P.S. Case No. 30(11)74 that the concerned workman was apprehended by Kuseswar Jha, S.I. and Indra Kant Jha, Havildar and constables Mukund Upadhyaya and Sakal Deep Sah of the Security Force while they were on round duty on 19-11-74 at about 10-25 a.m. with the help of Kameswar Singh and Rageshwar Singh and on search of the concerned workman a country made gun with a live cartridge was recovered from his possession. But curiously enough neither the said Kuseswar Jha, S.I. nor the said Indra Kant Jha, Havildar nor Kameshwar Singh or Rageswar Singh who, according to the management's written statement, are said to be night guards and are said to have caught the concerned workman after a chase, had been examined before the Enquiry Officer and only Sakal Deep Sah had been examined before the Enquiry Officer who had, no doubt, stated that on 11-4-74 (alleged date of occurrence is 19-11-74) at about 11 a.m. the concerned workman was apprehended within the colliery premises of Kessargarh colliery near the Hard Coke Bhatta and on search a country made revolver with a live cartridge was recovered from his possession.

11. But in such a case of search and seizure and recovery of un-licensed arm and ammunition from the person of any body, the primary evidence is the search and seizure list and production of the arms and ammunition before the Enquiry Officer or before the Court. But no such search or seizure list or any country made gun with live cartridge as mentioned in the Station Diary entry which forms the First Information Report of Baghmara P.S. Case No. 30(11)74 (Ext. W-2) or any country made revolver with cartridge as deposed too by Sakal Deep Sah was produced before the Enquiry Officer or before the Sub-Judicial Magistrate, Baghmara, in whose court G.R. Case No. 2691 of 1974 was registered on the basis of Baghmara P.S. Case No. 30(11)74 under section 25 of the Arms Act which ended in the discharge of the concerned workman by order dated 6-4-81 (Ext. W-1) as the police had not even after a lapse of seven years from the date of occurrence been able to file any chargesheet against the concerned workman due to which the cognisance had also become time barred.

12. Therefore, in the absence of any search or seizure list or the production of any country made gun or revolver with cartridge no reliance can be placed on the simple uncorroborated oral testimony of Sakal Deep Sah Constable, and since no other witness was examined by the management as eye-witness to the occurrence or to the search and so of any country made gun or revolver with cartridge from the possession of the concerned workman the charge framed against the concerned workman for committing breach of the Arms Act must be held to have failed due to want of cogent evidence.

13. The concerned workman, Bhog Singh, had also examined himself in denial of the charge and he had further stated that he was arrested by the Havildar from his residence and he had also examined another witness named Bharat to say that when the concerned workman was arrested he had not found any revolver in his hand. But apart from the aforesaid denial the charge framed against the concerned workman must fail for want of reliable and cogent management's evidence and for non-production of any search or seizure list or any un-licensed gun or revolver with cartridge alleged to have been recovered from the possession of the concerned workman which is fatal to the management's case.

14. In the result, it is held that the charge framed against the concerned workman was not proved by cogent and reliable evidence in the domestic enquiry and that being so the

action of the management in dismissing the concerned workman with effect from 31-7-1975 is held to be not justified and the concerned workman is held entitled to be reinstated with effect from that date with continuity of service and all back wages. In the circumstances of the case, however, there will be no order as to cost.

MANORANJAN PRASAD, Presiding Officer
[No. L-20012/96/77-D.III(A)]

New Delhi, the 22nd November, 1983

S.O. 4391.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad in the industrial dispute between the employers in relation to the management of Bansdeopur Colliery, Bhagaband Area of Messrs Bharat Coking Coal Limited, Post Office Kusunda, District Dhanbad and their workmen, which was received by the Central Government on the 19th November, 1983.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 52 of 1982

PARIES :

Employers in relation to the management of Bansdeopur Colliery, Bhagaband Area of Messrs Bharat Coking Coal Ltd., P. O. Kusunda, Dist. Dhanbad.
AND

Their Workmen.

PRESENT :

Mr. Justice Manoranjan Prasad (Retd.) Presiding Officer.

APPEARANCES :

For the Employers—Shri B. Joshi, Advocate.

For the Workman—Shri Lalit Burman, Vice-President, United Coal Workers' Union.

STATE : Bihar

INDUSTRY : Coal

Dhanbad, the 14th November, 1983

AWARD

By Order No. L-20012(36)/82-D.III(A) dated 15-5-1982, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of Sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal for adjudication :—

"Whether the demand of the workmen of Bansdeopur Colliery, Bhagaband Area of Messrs Bharat Coking Coal Limited, Post Office Kusunda, District Dhanbad that Shri Debidas Chakraborty should be regularised on the post of Clerical Grade-I is justified? If so, to what relief is the said workman entitled?"

2. The case of the concerned workman, Debidas Chakraborty, is that originally he was appointed as a cap lamp charger in Bansdeopur colliery but subsequently the then Manager of the colliery had, vide his Office Order No. BSP/Cat./4/76-77/72 dated 6-4-76, re-categorised him as Personnel Officer's clerk in Gr. I with effect from 1-1-76 and since then he has been working in the colliery as Personnel Officer's clerk. But in spite of the said order of the Manager he was paid the salary of Clerk Grade II on the one hand and on the other he was burdened with various other jobs and responsibilities which are not the regular jobs of the Personnel Officer's clerk. Apart from functioning as Personnel Officer's clerk, he was called upon to work as Welfare Officer's clerk including typing of letters. He was also called upon to prepare the wage bills of the workers, check up monthly pay bills, rectify the errors and stitch other sundry jobs. He was also authorised to sign the joining slips of the workmen presenting themselves for duties after the expiry of their leave, sick leave, casual leave or absence when the Personnel Officer and/or the Senior Welfare Officer were not present in their offices. Under the above circumstances, he demanded that he should be placed in Clerical Grade I in accordance with the order of the Manager and also in view of the volume of jobs entrusted to him by the management. The Manager, Per-

sonnel Officer and the Senior Welfare Officer and other officials of the colliery, under whose control and direction he had been working, had also recommended time and again that he should be placed in Clerical Grade I and fitted in the scale with due annual increments, but, due to some unknown reason, this has been denied to him. As the dispute could not be settled at the management's level, the sponsoring union raised an industrial dispute which resulted in the present reference. The demand of the concerned workman is that he should be regularised in Clerical Grade I with effect from 1-1-76 as per order of the then Manager and should be fitted in the scale of Clerical Grade I with effect from 1-1-76 as per order of fitment under the National Coal Wage Agreement I and II.

3. The case of the management, on the other hand, is that the concerned workman was formerly cap lamp charger and was in Category III of the time rated scale. On his request he was given a chance to work as Welfare Officer's clerk and was given Clerical Grade II with effect from 1-7-76, and since then he has worked as Welfare Officer's clerk or Personnel Officer's clerk who have been placed in Clerical Grade II under the Central Coal Wage Board Recommendations read with National Coal Wage Agreements I and II and hence his fixation in Clerical Grade II is legal and justified and there is no reason or justification for his claim to get Clerical Grade I. The concerned workman has all along been performing the duties of Welfare Officer's clerk or Personnel Officer's clerk and he was never burdened with any job or responsibility not pertaining to the Welfare Officer's clerk or Personnel Officer's clerk. The General Manager of the Area is the competent authority to promote a workman to higher grade and in the case of clerical staff a Departmental Promotion Committee is constituted to examine the cases of eligible candidates and to recommend the candidates to be promoted to next higher grade to fill up vacancies in higher grades and the General Manager approves the promotion on the basis of recommendations of the Departmental Promotion Committee and no clerk can be promoted merely on the recommendations of the Manager or Personnel Officer of a Colliery. The concerned workman was very junior to a large number of G. II Clerk of Bhagaband Area within which Bansdeopur colliery lies and according to the recent list of seniority his position is 66th and hence his demand to be promoted to Clerical Grade I after superseding 65 clerks of Grade II of Bhagaband Area is most unreasonable and unacceptable. The Manager of the colliery has no power or authority to regularise or promote a Grade II Clerk to Grade I and if any Manager does so it would be quite null and void and without jurisdiction. On these grounds the contention of the management is that the concerned workman is not entitled to any relief.

4. On behalf of the concerned workman he is the lone witness examined in this case. Two witnesses have been examined on behalf of the management. Some documents have also been exhibited on either side.

5. The concerned workman Debidas Chakraborty (WW-1) has deposed that formerly he was working as cap lamp fitter in Ekra colliery since the year 1971 and when in 1973 Ekra colliery and Bansdeopur colliery were amalgamated into one unit he was transferred to Bansdeopur colliery as cap lamp fitter and since 1-1-75 he has been working as a clerk of the Personnel Officer of Bansdeopur colliery. Sri Krishna Mohan Prasad (MW-1) was the Welfare Officer in Bansdeopur colliery from 1-11-73 to 20-1-77 and he has also deposed that the concerned workman was formerly working as cap lamp fitter and in 1975 or 1976 he was transferred as a clerk of the Welfare Officer as there was no Personnel Officer in Bansdeopur colliery at that time but subsequently the Personnel Officer was posted there to whom he had handed over charge at the time of his transfer. Sri D. Das Gupta (MW-2) had worked as Welfare Officer in Bansdeopur colliery from July 1977 to April 1982 and he has deposed that during that period there was also a Personnel Officer posted there though the offices of the Welfare Officer and Personnel Officer were located in the same room and during his time the concerned workman worked as Personnel Officer's clerk. Thus, according to the case of the parties, the concerned workman has been working as Personnel Officer's clerk or Welfare Officer's clerk since sometime in the year 1976. According to the Central Coal Wage Board recommendations Vol-II-Appendix V at page 54 Personnel Officer's clerk as well as Welfare Officer's clerk have been placed in

Grade II and it is only clerks shouldering higher responsibilities like Head Clerks (Senior), Cashiers, Store Keepers etc. who have been placed in Grade I. Therefore, the concerned workman who has been all along working either as Personnel Officer's clerk or as Welfare Officer's clerk can get only Grade II and cannot claim Grade I according to Central Coal Wage Board Recommendations.

6. The case of the concerned workman, however, is that originally he was appointed as Cap lamp charger but the then Manager of Bansdeopur colliery had vide Office Order No. BSP/Cat./4/76-77/72 dated 6-4-76 (Ext. W-1) re-categorised him as Personnel Officer's clerk in Grade I with effect from 1-1-76 and since then he has been working in Bansdeopur colliery in Personnel Officer's clerk, but has been paid salary of only clerk Grade II. He has proved the said order dated 6-4-76 (Ext. W-1), which is a typed one, to be under the signature of Mr. O.P. Magum, the then Manager of the colliery. He has admitted in his cross-examination that near about September, 1976 Mr. O. Prasikhan Bhawan, Ekra, but he has denied the management's suggestion in cross-examination that since then Mr. O.P. Magum has gone out side India and the order Ext. W-1 which he had proved to be the order under the signature of Mr. O.P. Magum is not a genuine one. He has, however, admitted in his cross-examination that even during the period of Mr. O. P. Magum he got only Grade II pay and not Grade I pay which the said order Ext. W-1 purports to have given to him under the signature of Mr. O.P. Magum. It, therefore, appears that the said order Ext. W-1, even if genuine under the signature of Mr. O. P. Magum was never given effect to even during the period of Mr. O.P. Magum or at any time thereafter. Then there is also another aspect of the matter. Ext. M-1 is a covering letter dated 1-3-76 of the Senior Personnel Officer, Area No. VII, placing below a list of 118 workers of Bansdeopur colliery who had been re-categorised as shown against each name which had been approved by the Personnel Manager, Karmik Bhawan, and it is further stated in the covering letter that after this re-categorisation, the Manager, Bansdeopur colliery, may be directed not to deploy any other worker in higher category or other place without obtaining prior sanction of the General Manager. In the said list of 118 workers of Bansdeopur colliery the name of the concerned workman Debidas Chakraborty appears at serial no. 101 wherein it has been shown that his previous designation was cap lamp charger but after re-categorisation he had been designated as Welfare Officer's clerk in Grade II. Therefore, if after this re-categorisation of the concerned workman on 1-3-76, even if Mr. O.P. Magum, the then Manager of Bansdeopur colliery, subsequently, by his aforesaid order dated 6-4-76 (Ext. W-1), re-categorised the concerned workman in Grade I, as the said order purports to be, against the direction of superior authorities which directed him not to deploy any worker in higher category without sanction of the General Manager, the same was without jurisdiction and of no effect. Therefore, the concerned workman cannot claim Grade I on the basis of the aforesaid order dated 6-4-76 (Ext. W-1) of the then Manager, Mr. O.P. Magum, even if the said order be a genuine one.

7. The concerned workman also claims Grade I on the ground that he has been saddled with additional work not properly pertaining to that of Personnel Officer's clerk and that his case for being given Grade I has also been recommended by the officers under whom he had to work. In this connection he has also got exhibited certain documents to which I shall presently refer. Ext. W-2 is photostat copy of an order dated 28-3-78 issued by the Manager of Bansdeopur colliery authorising the Personnel Officer's clerk and the Welfare Officer's clerk to sign on the joining slips of workman joining duties after expiry of their leave during the absence of the Manager, Personnel Officer and Welfare Officer. Ext. W-6 is an order dated 18/19-11-81 of the Senior Welfare Officer authorising the concerned workman, Debidas Chakraborty, Personnel Officer's clerk, to sign allowing slips of earned leave/sick leave/casual leave and rest etc. on his behalf during his absence. Ext. W-7 is another order dated 5-6-82 of the Senior Welfare Officer stating that since he was going on leave from 7-6-82 to 26-6-82 the concerned workman Debidas Chakraborty, who is a staff of Personnel Section, will look after the office job for the above dates. Ext. W-3 is a photostat copy of a note dated 17-7-80 of the Personnel Officer addressed to the Manager, Bansdeopur colliery recommending that the concerned workman may be paid Rs. 50/- per month as

allowance with effect from 1-6-80 for doing extra job of bills etc. The concerned workman Debidas Chakraborty (WW-1) has also stated in his evidence that the management had paid him Rs. 50/- per month as allowance from January, 1981 to June, 1981 in July 1981 as per recommendation of the Personnel Officer in his aforesaid note dated 17-7-80 (Ext. W-3) but thereafter the management stopped him paying that allowance of Rs. 50/- per month. Ext. W-4 is a photostat copy of a letter dated 20-12-80 of the Manager, Bansdeopur colliery addressed to the Personnel Manager of Bhagaband Area recommending that the case of the concerned workman for being given Grade I with effect from 1-4-81 may be considered as he performs from time to time other job, such as, typing, billing etc. and his performance has been quite satisfactory. Ext. W-5 is a note dated 13-4-81 of the Personnel Officer addressed to the Manager, Bansdeopur colliery, recommending the case of the concerned workman for being given Grade I with effect from 1-4-80 which was endorsed by the Manager to the Personnel Manager/General Manager, Bhagaband Area. These papers only show that the concerned workman had at times been doing other jobs, such as, typing, billing etc. and his performance has been quite satisfactory and his case for being given Grade I with effect from 1-4-81 was also recommended by the Personnel Officer as well as by the Manager of the Bansdeopur colliery but the same has not been accepted by the Personnel Manager/General Manager for the obvious reason that some extra work which he might have been performing pertain to the work of Clerical Grade II and not of Grade I and also because the position of the concerned workman in the seniority list of Grade II clerks circulated with letter dated 23-4-82 of the Personnel Manager (Ext. M-2) is 66 and he cannot obviously be given Grade I after superseding 65 clerks of Grade II which would only create heart burning and insurmountable administrative complications arising there from.

8. The concerned workman has also stated in his evidence that before he was appointed as a clerk of the Personnel Officer in the year 1976 he was a cap lamp fitter and was getting Category VI wages of the time rated workman, and, in the circumstance, it would also not be just or equitable to give him Grade I after superseding 65 workmen of Grade II whose names appear above him in the seniority list of Grade II Clerks (Ext. M-2), some of whom are there in grade II Clerks since the nationalisation of the colliery in the year 1972 and some even from the time of the erstwhile owner of the colliery prior to the nationalisation right from 1946 onwards.

9. In no view of the matter, therefore, the demand of the workman of Bansdeopur colliery that the concerned workman Debidas Chakraborty should be regularised on the post of Clerical Grade-I can be said to be justified, and in that view of the matter, he is not entitled to any relief. The award is made accordingly. But in the circumstance of the case there will be no order as to cost.

MANORANJAN PRASAD, Presiding Officer
[No. L-20012/36/82-D.II (A)]

A.V.S. SARMA, Desk Officer

नई दिल्ली, 15 नवम्बर, 1983

का०आ० 4392.—केन्द्रीय सरकार, लौह अयस्क खान और मैंगनीज अयस्क खान श्रम कल्याण निधि अधिनियम, 1976 (1976 का 61) की धारा 10 के अनुसार में 31 मार्च, 1983 को समाप्त होने वाले वर्ष के दौरान उक्त अधिनियम के अधीन वित्तपोषित क्रियाकलापों की निम्नलिखित रिपोर्ट उस वर्ष के लेखक विवरण के साथ इसके द्वारा प्रकाशित करती है।

भाग I

(क) साधारण:— लौह अयस्क खान श्रम कल्याण उपकर अधिनियम, 1961 लौह अयस्क पर उपकर के उद्ग्रहण और संग्रहण का तथा लौह अयस्क खान उद्योग में कार्य करने वाले खनिकों के कल्याण की अभिवृद्धि करने के क्रियाकलाप के वित्त पोषण का उपबंध करने के लिए अधि-

नियमित किया गया था। अधिनियम पहली अक्टूबर, 1963 को प्रवृत्त हुआ था और पहली अक्टूबर, 1964 को उसका विस्तार गोवा, दमन और दीव संघ राज्य क्षेत्र को कर दिया गया। पूर्वोक्त अधिनियम लौह अयस्क खान और मैंगनीज अयस्क खान श्रम कल्याण उपकर अधिनियम, 1976 (1976 का 55) और लौह अयस्क खान और मैंगनीज अयस्क खान श्रम कल्याण निधि अधिनियम, 1976 (1976 का 61) द्वारा प्रतिस्थापित कर दिया गया। नए अधिनियमों में निर्यात किए गए और अंतर्देशीय उपयुक्त लौह अयस्क के प्रति मीटरी टन पर छः रूपयों की दर से उपकर उद्ग्रहण करने का उपबंध किया गया है। 1-7-1981 से लौह अयस्क पर उद्ग्रहण की दर को 25 पैसे प्रति मीटरी टन से बढ़ाकर 50 पैसे प्रति मीटरी टन कर दिया गया है। मैंगनीज अयस्क पर उद्ग्रहण की वर्तमान दर एक रूपया प्रति मीटरी टन है। उपकर के आगमों का उपयोग मुख्य रूप से लोक स्वास्थ्य और स्वच्छता में सुधार, रोग निवारण, शैक्षिक सुविधाओं और चिकित्सीय सुविधाओं की व्यवस्था और उनमें सुधार और जल प्रदाय योजनाओं, सामाजिक दशाओं में बेहतर और आमोद-प्रमोद आदि की सुविधाओं के उपबन्ध आदि के लिए किया जाता है। कल्याण सुविधाएं, सीधे नियोजित कर्मचारों या ठेकेदारों के माध्यम से नियोजित कर्मचारों को दी जाती है।

2. उपकर, निर्यात किए गए लौह मैंगनीज अयस्क पर सीमा शुल्क के रूप में और अंतर्देशीय रूप में उपयुक्त लौह मैंगनीज अयस्क उत्पाद शुल्क के रूप में उपभोग उपकर उद्ग्रहीत किया जाता है। कल्याण आयुक्तों को भी अंतर्देशीय उपकर के संग्रहण के प्रयोजनार्थ उपकर आयुक्तों के रूप में घोषित किया गया है और उनकी अधिकारिता भी अधिसूचित की गई है। सीमा शुल्क के रूप में कल्याण उपकर का संग्रहण सीमाशुल्क विभाग द्वारा किया जाता है जिसे संग्रहण प्रभाग के रूप में 1/2 प्रतिशत दिया जाता है।

3. लौह अयस्क खान और मैंगनीज अयस्क खान श्रम कल्याण उपकर अधिनियम, 1976 तथा लौह अयस्क खान और मैंगनीज अयस्क खान श्रम कल्याण निधि अधिनियम, 1976 को 1982 के दौरान संशोधित किया गया है, ताकि क्रोम अयस्क पर उसी तरीके से उपकर लगाया जा सके, जैसाकि इस समय लौह अयस्क तथा मैंगनीज अयस्क पर लगाया जा रहा है, और क्रोम अयस्क खानों में नियोजित श्रमिकों को कल्याण सुविधाएं दी जा सकें। इससे लगभग 6000 परिवारों को लाभ मिलेगा।

(ख) कल्याण कार्य:— विभिन्न शीघ्रों के अधीन कल्याण कार्य नीचे दिए गए हैं, जिन पर वर्ष के दौरान कल्याण निधि पूंजी लगाई गई है।

(i) चिकित्सा सुविधाएं:—

1000 रुपये प्रतिमास मूल वेतन पाने वाले लौह अयस्क मैंगनीज अयस्क श्रमिकों तथा उनके आश्रितों को चिकित्सा सुविधाएं संगठन द्वारा मुफ्त दी जा रही थी। कर्मचारी और उनके आश्रितों को संगठन द्वारा लौह अयस्क मैंगनीज अयस्क उत्पादक राज्यों में स्थापित निम्नलिखित अस्पतालों औषधालयों आदि में चिकित्सीय सुविधाएं निशुल्क उपलब्ध कराई हैं:—

बिहार:

1. केन्द्रीय अस्पताल, बड़ाजामदा (50 शैयाएं)
2. चल चिकित्सा औषधालय, बड़ाजामदा ।
3. स्थिर एलोपैथिक औषधालय, कमरवाड़ा ।
4. स्थिर एलोपैथिक औषधालय, नुइया ।

उड़ीसा :

1. केन्द्रीय अस्पताल, जोड़ा (50 शैयाएं)
2. प्राथमिक स्वास्थ्य केन्द्र, जारुरी ।
3. चल चिकित्सा औषधालय, बारविज ।
4. दो एम्बुलेंस गाड़ियां ।
5. प्राथमिक स्वास्थ्य केन्द्र, नुआगांव, अपराहून में डाक्टर चिकित्सा देख-रेख के लिए नजदीक की खानों मकानों में जाता है ।
6. बादम पहाड़ स्थिर व चल अस्पताल यूनिट ।
7. प्राथमिक स्वास्थ्य केन्द्र, टोमका ।
8. प्राथमिक स्वास्थ्य केन्द्र, सिलजोरा ।
9. निशिखन में प्राथमिक स्वास्थ्य केन्द्र को हाल ही में खोला गया है स्थिर व चलते-फिरते चिकित्सा एकक, बादम-पहाड़ के लिए एक एम्बुलेंस गाड़ी की मंजूरी दी गई है ।
10. मैंगनीज खान श्रमिकों के लिए गुरुदा में प्रसूति एवं बाल कल्याण केन्द्र ।

महाराष्ट्र:

1. प्राथमिक स्वास्थ्य केन्द्र, रेडी, (जिला सिंधु दुर्ग) ।

मध्य प्रदेश:

1. चल चिकित्सा औषधालय, खहारा ।
2. चल चिकित्सा औषधालय, बैलडिला (डिपोजिट सं० 14)
3. चल चिकित्सा औषधालय, बैलडिला (डिपोजिट सं० 5)

कर्नाटक:

1. केन्द्रीय अस्पताल करीगनूर (25 शैयाएं)
2. चल चिकित्सा औषधालय, करीगनूर ।
3. स्थिर व चल चिकित्सा औषधालय, मन्नूर ।
4. स्थिर व चल चिकित्सा औषधालय, वल्लारी ।

गोवा :

1. केन्द्रीय अस्पताल, पिल्लियम, वरबन बोरा, टिस्का गोवा (50 शैयाएं)
2. स्थिर व चल चिकित्सा औषधालय, कुरकोरेम ।

इसके अतिरिक्त लौह अयस्क/अयस्क मैंगनीज खनिकों और उनके कुटुम्ब के सदस्यों के प्रयोग के लिए टी०बी० सेनेटोरियमों और अन्य अस्पतालों में शैयाओं का आरक्षण जारी रखा गया । बिहार क्षेत्र के लिए ऐसी 45 शैयाएं और उड़ीसा क्षेत्र के लिए 32 शैयाएं, महादेवी बड़ला सैनेटोरियम, रांची में आरक्षित की गई है । इसी प्रकार

महाराष्ट्र में सेंट लुक्स अस्पताल, वेन्नुरला में भी 2 शैयाएं आरक्षित रखी गई हैं । मध्य प्रदेश में खनिकों और उनके आश्रितों के प्रयोग के लिए हिन्दुस्तान स्टील लिमिटेड के भिलाई स्थित मुख्य अस्पताल में 4 शैयाएं और जिला मुख्यालय अस्पताल कयोक्षर में 5 साधारण शैयाएं आरक्षित की गई हैं ।

आन्ध्रप्रदेश में लौह अयस्क और मैंगनीज अयस्क श्रमिकों को चिकित्सीय सुविधाएं प्रदान करने के लिए एक डाक्टर की अंशकालिक सेवाएं जारी रखी गई ।

बालाघाट, मध्य प्रदेश में 50 शैयाओं वाला अस्पताल स्थापित करने के प्रस्ताव को सिद्धांत रूप से अनुमोदित कर दिया गया है ।

लौह अयस्क खान तथा मैंगनीज अयस्क खानों के ऐसे मालिकों को, जो निर्धारित मानक तक औषधालयों और अस्पतालों चला रहे हैं वार्षिक सहायता अनुदान दी गई है ।

आलोच्य वर्ष के दौरान लौह अयस्क खान और मैंगनीज अयस्क खानश्रमिकों तथा उनके आश्रितों को चिकित्सीय सुविधाओं की व्यवस्था करने के लिए 65.35 लाख रुपये खर्च हुए ।

(ii) आवास सुविधाएं :—लौह अयस्क और मैंगनीज अयस्क खानिकों के लिए आवास की व्यवस्था करना संगठन के मुख्य कार्यकलापों में से एक कार्यकलाप है । तीन योजनाएं हैं, अर्थात् :—

1. कम लागत आवास योजना (टाइप-I)
2. नई आवास योजना (टाइप-II)
3. अपना मकान बनाओ योजना

अपना मकान बनाओ योजना के अन्तर्गत प्रति मकान के लिए 1500 रु० (600 रु० आर्थिक सहायता के रूप में तथा 900 रु० ब्याज रहित ऋण के रूप में) की वित्तीय सहायता लौह अयस्क और मैंगनीज अयस्क खान श्रमिकों को देय है । इस राशि को पहली अप्रैल, 1983 से क्रमशः 1000 रु० और 4000 रु० तक बढ़ा दिया गया है । इस ऋण की वसूली अधिकाधिक 9 वर्षों में मासिक किस्तों में की जाती है ।

टाइप-I आवास योजना के अन्तर्गत साधारण क्षेत्रों के लिए 6825 रु० और काली कपास तथा उमरी भूमि वाले क्षेत्रों के लिए 7925 रु० की मानक अनुमानित लागत का 75 प्रतिशत या निर्माण की वास्तविक लागत का 75 प्रतिशत, जो भी कम हो, आर्थिक सहायता देय थी । आर्थिक सहायता की राशि को पहली अप्रैल, 1983 से 10,000 रु० का 75 प्रतिशत तक या निर्माण की वास्तविक लागत का 75 प्रतिशत, जो भी कम हो, बढ़ा दिया गया है । इसके अतिरिक्त विकास प्रभार साधारण क्षेत्रों के लिए 2000 रुपये का 50 प्रतिशत तथा काली कपास और उमरी भूमि

वाले क्षेत्रों के लिए 75 प्रतिशत या दो हजार रु० या वास्तविक लागत, जो भी कम हो, भी देर है। विकास प्रभारों में अन्य बातों के साथ-साथ बाहरी और आंतरिक जल पूर्ति, सफाई, बिजली तथा एप्रोच सड़कें शामिल होंगी।

टिप्पणी—II आवास योजना के अन्तर्गत, प्रबंधन देय आर्थिक सहायता की दर को अनुमानित लागत (आर्था साधारण क्षेत्रों में 11,325 रु० और काली कपास या उभरी भूमि वाले क्षेत्रों में 13,425 रु०) के 75 प्रतिशत से बढ़ाकर प्रति मकान 15000 रु० (अर्थात् निर्माण की वास्तविक लागत का 75 प्रतिशत, जो 20,000 रुपये है) या निर्माण की वास्तविक लागत का 75 प्रतिशत, जो भी कम हो, कर दिया गया है। साधारण क्षेत्रों में प्रत्येक मकान के लिए विकास प्रभार 1500 रुपये होगा। काली कपास या उभरी भूमि वाले क्षेत्रों के लिए विकास की वास्तविक लागत का 75 प्रतिशत की दर से या प्रति मकान 2250 रुपये, जो भी कम हो, की आर्थिक सहायता का भुगतान किया जाएगा। विकास प्रभारों में अन्य बातों के साथ-साथ बाहरी तथा आंतरिक जल प्रदाय, सफाई, बिजली और एप्रोच सड़कें शामिल होंगी।

निधि के स्थापन से विभिन्न आवास स्कीमों के अधीन 13,335 मकानों के निर्माण को मंजूर दी गई थी। अब तक 11,635 मकान तैयार हो चुके हैं और 1847 मकान निर्माणाधीन हैं। आलोच्य वर्ष में आवास सुविधाएं प्रदान करने के लिए निधि से कुल 27.59 लाख रुपये व्यय हुआ।

(iii) उड़ीसा में वाईतरोन बेली में 2.08 करोड़ रुपये की लागत से एक समेकित जल प्रदाय योजना की पहले ही मंजूर दी गई है। इस योजना को कुल लागत का 50 प्रतिशत लॉह अयस्क खान और मैंगनीज अयस्क खान श्रम कल्याण निधि में से केन्द्रीय सरकार द्वारा वहन किया जाएगा। 1982-83 के दौरान राज्य सरकार को 25 लाख रु० दिए गए हैं। राज्य लोक स्वास्थ्य इंजीनियरी विभाग इस योजना को पूरा करने के लिए एजेंसी का कार्य करेगी।

(iv) शैक्षणिक और आमोद-प्रमोद का सुविधाएं लोह और मैंगनीज अयस्क खान कर्मचारों और उनके परिवारों के लिए शैक्षणिक और आमोद-प्रमोद सुविधाओं में, जिनका खर्च निधि से किया जाता है, 40 बहुउद्देशीय संस्थानों, 2 कल्याण केन्द्रों, 6 महिला बाल कल्याण केन्द्र, 13 चल-चित्र एकक, एक अवकाश गृह, 155 रेडियो केन्द्र तथा तीन परिवहन बसे सम्मिलित हैं। मध्य प्रदेश क्षेत्र में खानों के मालिकों को खेल-कूद, खेल टूर्नामेंट आदि के आयोजन के लिए सहायता अनुदान मंजूर किए गए हैं। अनुमोदित योजना के अनुसार लॉह/मैंगनीज अयस्क खान श्रमिकों के उन बालकों की छात्रवृत्ति देने की सुविधा चोरी रखी गई, जो विद्यालयों/महाविद्यालयों और तकनीकी, संस्थाओं में अध्ययन कर रहे हैं। कुछ क्षेत्रों में बच्चों को मध्याह्न भोजन योजना देने की स्कीम जारी रखी गई। मध्याह्न भोजन योजना की दर 75 पैसे प्रति बालक प्रतिदिन है। कुछ क्षेत्रों में लोह

अयस्क खानों के प्राथमिक स्कूल में जाने वाले बालकों के लिए बांदिया भी दी गई है। आलोच्य वर्ष के दौरान इन सुविधाओं पर कुल 26.50 लाख रु० की राशि खर्च की गई थी।

(ग) घातक और गंभीर दुर्घटना लाभ योजना ---

दुर्घटना के शिकार हुए व्यक्तियों को विधवाओं और बच्चों को वित्तीय सुविधाएं देने की योजना भी आलोच्य वर्ष के दौरान जारी रखी गई।

भाग—II

1-4-1982 को अथशेष	2,35,11,093
लेखाओं में पहले की अवधि का समायोजन	22,71,884(-)

अथशेष	2,12,59,209
वर्ष 1982-83 के दौरान प्राप्तियां	1,83,55,053

वर्ष 1982-83 के दौरान व्यय	1,61,37,920
1982-83 लेखा के समाप्त होने के पश्चात् अन्तःशेष	2,34,57,042

भाग—III

1983-84 वर्ष के लिए प्राप्तियां और व्यय का प्राक्कलन	
प्राक्कलित प्रप्तियां	1,94,00,000

2 प्राक्कलित व्यय	2,29,27,000
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[सं० जेड-16016/1/83-इस्लू-II]

कंवर राजिन्द्र सिंह, अवर सचिव

New Delhi, the 15th November, 1983

S.O. 4392.—In pursuance of section 10 of the Iron Ore Mines and Manganese Ore Mines Labour Welfare Fund Act, 1976 (61 of 1976), the Central Government hereby publish the following report of the activities Financed under the said Act, during the year ending the 31st March, 1983 together with a statement of accounts for that year.

PART-I

(a) General : The Iron Ore Mines Labour Welfare Cess Act, 1961 was enacted to provide for levy and collection of cess on iron ore for financing activities to promote the welfare of miners working in the Iron Ore Mining Industry. The Act came into force on the 1st October, 1963 and was extended to the Union Territory of Goa, Daman and Diu on the 1st October, 1964. The aforesaid Act was replaced by the Mines and Manganese Ore Mines Labour Welfare Cess Act, 1976 (55 of 1976) and the Iron Ore Mines and Manganese Ore Mines Labour Welfare Fund Act, 1976 (61 of 1976). The new Acts provide for the levy of a cess at a rate not exceeding one rupee per metric tonne of iron ore and rupees six per metric tonne on manganese ore exported or consumed internally. The rate of levy of cess on iron ore has been increased from 25 paise per metric tonne to 50 paise per metric tonne with effect from 1-7-81. The present rate of levy on manganese ore is Rs. 1/- per metric tonne. The proceeds of the cess are utilised mainly for improvement of public health and sanitation, prevention of diseases, provision and improvement of

educational facilities, housing and water supply scheme, provision of recreational facilities etc. The welfare facilities cover workers employed directly or through contractors.

2. The cess is levied as a duty of customs on the iron ore and manganese ore exported and as duty of excise on iron ore/manganese ore consumed internally. The Welfare Commissioners have also been declared as Cess Commissioners and their jurisdictions have been notified for purposes of collection of cess on internal consumption. The collection of welfare cess as a duty of customs is made by the Department of Customs who are paid half per cent towards collection charges.

3. The Iron Ore Mines and Manganese Ore Mines Labour Welfare Cess Act, 1976 and Iron Ore Mines and Manganese Ore Mines Labour Welfare Fund Act, 1976 have been amended during 1982 with a view to levy cess on chrome ore in the same manner as is being levied on iron ore and manganese ore at present and to extend welfare facilities to the workers employed in chrome ore mines. This will benefit about 6000 families.

Welfare activities : The Welfare activities under different heads financed during the year from the welfare funds are indicated below.—

(i) Medical facilities :—Medical facilities to Iron Ore and Manganese Ore workers getting a basic pay upto Rs. 1000/- and their dependents were being provided free by the organisation. Facilities were made available to the workers and their dependents in the following hospitals/ dispensaries etc. established by the Organisation in different iron ore/manganese ore producing state :

BIHAR

- (1) Central Hospital, Barajamda (50 beds)
- (2) Mobile Medical Dispensary, Barajamda.
- (3) Static Allopathic Dispensary, Karampada.
- (4) Static Allopathic Dispensary, Nuia.

ORISSA

- (1) Central Hospital, Ioda (50 beds)
- (2) Primary Health Centre, Joruri.
- (3) Mobile Medical Dispensary, Barbil.
- (4) Two Ambulance Vans.
- (5) Primary Health Centre, Nuagaon (In the afternoon, the doctor goes round nearby mines/hutments to render medical aid).
- (6) Static-cum-Mobile Medical Units at Badampahar.
- (7) Primary Health Centre, Tomka.
- (8) Primary Health Centre, Siliore.
- (9) Public Health Centre at Nishikhal has been opened recently. Sanction has been issued for an ambulance van for static-cum-mobile Medical Unit Badampahar.
- (10) Maternity-cum-Child Welfare Centre at Guruda for manganese mine workers.

MAHARASHTRA

- (1) Primary Health Centre, Redi (Distt. Sindhudurg)

MADHYA PRADESH

- (1) Mobile Medical Dispensary, Raihara
- (2) Mobile Medical Dispensary, Bailadilla (Deposit No 14).
- (3) Mobile Medical Dispensary, Bailadilla (Deposit No. 5).

KARNATAKA

- (1) Primary Health Centre, Redi (District, Sindhudurg).
- (2) Mobile Medical Dispensary, Kariganpur.
- (3) Static-cum-Mobile Medical Dispensary, Sandur
- (4) Static cum-Mobile Dispensary, Ballary

GOA

- (1) Central Hospital, Pillim, Darbandora, Tiska Goa (50 beds).

(2) Static-cum-Mobile Medical Dispensary, Curchorem.

Besides, beds continued to be reserved for the exclusive use of iron ore and manganese ore mines and their families in T.B. Sanatoria and other hospitals. 45 such beds for Bihar region and 32 beds for Orissa region have been reserved in the Mahadevi Birla Sanatorium, Ranchi. Similarly, 2 beds have also been reserved at St. Lukes Hospital, Vengurla in Maharashtra. In Madhya Pradesh, 4 beds were reserved in the Bhilai main hospital of the Hindustan Steel Ltd. and 5 general beds were reserved in the Distt. Headquarters Hospital at Keonjhar for the use of miners and their dependents.

The services of a part-time doctor continued to provide medical facilities to the workers in the iron ore mines and manganese ore mines in Andhra Pradesh.

A proposal to set up a 50 bedded hospital at Balaghat, Madhya Pradesh has been approved in principle.

The owners of the iron ore mines or manganese ore mines who maintain the dispensaries and hospitals upto the prescribed standard have been paid annual grants-in-aid. A total expenditure of Rs. 65.35 lakhs was incurred on the provision of medical facilities to the iron ore mines and manganese ore mine workers and other dependents during the year under report.

(ii) HOUSING FACILITIES :—Provision of housing accommodation for iron ore and manganese ore mines is one of the main activities of the organisation. There are three schemes viz.

- (i) Low Cost Housing Scheme (Type-I)
- (ii) New Housing Scheme (Type-II)
- (iii) Build Your Own House Scheme.

Under Build Your Own House Scheme, financial assistance to the tune of Rs. 1,500/- per tenement (Rs. 600/- in the form of subsidy and Rs. 900/- in the form of interest free loan) was payable to the iron ore and manganese ore mine workers. This amount has been increased to Rs. 1,000/- and Rs. 4000/- respectively with effect from 1st April, 1983. The loan is recoverable in monthly instalments spread over a period, not exceeding 9 years.

Under Type I Housing Scheme subsidy was payable at the rate of 75 per cent of the standard estimated cost of Rs. 6,825 for ordinary areas and Rs. 7,925 for black cotton and swelly soil areas or 75 per cent of actual cost of construction whichever is less. The amount of subsidy has been increased with effect from 1st April, 1983 to 75 per cent of Rs. 10,000/- or 75 per cent of actual cost of construction, whichever is lower. In addition to it the development charges are also payable @ 50 per cent of Rs. 2,000 for ordinary areas and 75 per cent or Rs. 2,000/- for black cotton and swelly soil areas or the actual cost, whichever is lower. The development charges will inter-alia include external and internal water supply, sanitation, electricity and approach roads.

Under the Type II Housing Scheme the rate of subsidy payable to managements has been increased from 75 per cent of the estimated cost (i.e. Rs. 11,325/- in ordinary areas and Rs. 13,425/- in black cotton or swelly soil areas) to Rs. 15,000/- (i.e. 75 per cent of the estimated cost of construction which is Rs. 20,000/-) per tenement or 75 per cent of the actual cost of construction whichever is less. The development charges will be Rs. 1,500/- per house in ordinary areas. For black cotton or swelly soil areas, an additional subsidy @ 75 per cent of the actual cost of development or Rs. 2,250/- per house whichever is less shall be paid. The development charges will inter-alia include external and internal water supply, sanitation, electricity and approach roads.

Under the various housing schemes, a total number of 13,335 houses had been sanctioned for construction from the inception of the Fund. Out of these 11,635 houses have so far been completed and 1847 houses are under construction. The total expenditure from the fund for providing housing facilities in the year under report was Rs. 27.59 lakhs.

An integrated water supply scheme costing a total of Rs. 2.08 crores on Vaitrai Valley in Orissa has already been sanctioned. 50% of the total cost on this scheme will be borne by the Central Government out of the Iron Ore Mines and Manganese Ore Mines Labour Welfare Fund. A sum

of Rs. 25 lakhs have been released to the State Government during 1982-83. The State Public Health Engineering Deptt. will be the agency for execution of the scheme.

(iv) Educational and Recreational Facilities

The educational and recreational facilities provided to the iron/manganese ore mine workers and their families which were financed from the Fund included 40 multipurpose Institutes, 2 Welfare Centres, 6 Women-cum-Children Welfare Centres, 13 Cinema Units, 155 Radio Centres and 3 Transport Buses. Grants-in-aid was sanctioned to mine owners for organising sports, games, tournaments etc. in the Madhya Pradesh region. Scholarships continued to be given to the children of iron/manganese ore mines workers studying in schools, colleges and technical institutions in accordance with the approved scheme. The mid-day meals scheme for the school children continued to be extended in some regions. The rate for supply of mid-day meal is 75 paise per child per day. Uniforms were also supplied to the primary school going children of iron ore miners in some regions. The total amount spent on these facilities during the year under report was about Rs. 26.50 lakhs.

(c) Fatal and Serious Accident Benefit Scheme

The scheme for financial benefits to widows and children of victims of accidents was also continued during the year under report.

PART-II

Opening Balance as on 1-4-1982	Rs. 2,35,11,093
Prior period adjustments in Accounts	Rs. 22,71,884(—)
Opening balance	Rs. 2,12,39,209
Receipts during the year 1982-83	Rs. 1,83,55,053
Expenditure during the year 1982-83	Rs. 1,61,37,220
Closing Balance after the Close of 1982-83 Accounts	Rs. 2,34,57,042

PART-III

Estimates of receipts and Expenditure for the year 1983—1984.

1. Estimated receipts	Rs. 1,94,00,000
2. Estimated Expenditure	Rs. 2,29,27,000

[F.No: Z-16016/1/83-Welfare-II]

KANWAR RAJINDER SINGH, Under Secy.

New Delhi, the 16th November, 1983

S.O. 4393.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the following award of the Industrial Tribunal, Hyderabad in the industrial dispute between the employers in relation to the management of Life Insurance Corporation of Hyderabad and their workmen which was received by the Central Government on 8-11-1983.

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL)
AT HYDERABAD

PRESENT :

Sri M. Srinivasa Rao, M.A., LL.B., Industrial Tribunal
Industrial Disputes No. 13 of 1981

BETWEEN

Workmen of Life Insurance Corporation of India,
Hyderabad.

AND

The Management of Life Insurance Corporation of
India, Hyderabad.

APPEARANCES :

Sri T. S. Rama Rao, President, Bhartiya Mazdoor
Sangh—for the Workmen.

Sarvasri I. L. N. Sastry and I. Dakshina Murthy, Advoca-
tates—for the Management.

AWARD

The Government of India in its letter No. L-17012/6/81-DIV(A), dated 29-6-1981 referred the following dispute between the Employers of Life Insurance Corporation of India Hyderabad and their workmen, under Section 7A and 10(2)(d) of the Industrial Disputes Act, 1947, to this Tribunal for adjudication :—

"Whether the action of the management of Life Insurance Corporation of India, Hyderabad in terminating the services of Shri M. Surender Kumar Store-Keeper-cum-Typist with effect from the 24th November, 1980 is justified? If not, to what relief is the workmen concerned entitled?"

2. The Workers Organisation that espoused the cause of the workman concerned in the dispute has filed a claims statement putting forth his claim and advancing pleas in support of his case. A counter is filed on behalf of the employer i.e. Life Insurance Corporation, disputing the claim of this workman. During the enquiry, the Workman concerned is examined as WW-1 and one K. G. Puniabi, the Superintending Engineer in Life Insurance Corporation and G. Sheshasai, the Assistant Administrative Officer in Life Insurance Corporation are examined as MWs-1 and 2 respectively on behalf of the Management. Exs. M-1 to M-8 are also got marked besides the oral evidence.

3. As can be seen from the pleadings, that is, the claims statement and the counter and the evidence, the undisputed facts are :—The workman concerned Sri Surender Kumar was appointed as Store Keeper-cum-Typist by an order dated 11-5-1977 by the Chief Engineer of the L.I.C. at Bangalore. This order Ex. M-1 shows that its copies were marked to Chief Archetie, L.I.C., Bombay, senior Divisional Manager, L.I.C., Hyderabad and Assistant Executive Engineer, L.I.C., Hyderabad. It further shows that he was Store-Keeper-cum-Typist in the Building Department of L.I.C. on its work charge establishment in connection with the public Housing at Hyderabad on a fixed salary of Rs. 460.00. On receiving this order the workman joined the services on 27-5-1977 as per Ex. M-2 joining report. Though initially he was appointed for a period of 1 1/2 years, his services were extended from time to time and he was in continuous service till 24-11-1980. Ex. M-3 dated 25-10-1980 is the last in the series of orders continuing him in service. By this Ex. M-3 he was appointed for a period of one month. Ex. M-6 dated 24-11-1980 is the order of the Chief Engineer terminating his services from 24-11-1980 afternoon at the expiry of that period mentioned in Ex. M-3 order. In this termination order, the workman was requested to collect the dues due to him from the Accounts Department of Hyderabad Divisional Office. Ex. M-4 dated 24-11-1980 is the order of the Executive Engineer, Hyderabad relieving this workman from the job in terms of the termination order. Copy of this order was sent to the Senior Divisional Officer, Hyderabad. Ex. M-5 dated 11-12-1980 is the communication from the Senior Divisional Officer to this workman asking him to sign the enclosed receipt, for an amount of Rs. 1,150.00 being one month's salary in lieu of notice period and compensation equivalent to 15 days average pay for every completed year of service informing him that on receipt of that voucher the payment would be made. The workman states as WW-1 that he did not sign that voucher nor advance receipt as he was of the view that the payment was not in accordance with rules. He admits that he did not send written objection to that Ex. M-5 communication. Though the workman denies, subsequently the Management sent the amount by Money Order to him and he refused to receive it. The evidence on behalf of the Management and also the Money Order coupons Exs. M-7 and M-8 show that the amount in fact was sent by Money Order for Rs. 1,000.00 and 150.00 and Ex. M-7 contains the endorsement "Return". MW-2 speaks to sending of these amounts by Money Orders

Exs. M-7 and M-8 and the refusal of the workman. These are the facts that are beyond dispute. Another matter which cannot be disputed is regarding the terms of appointment. As can be seen from Ex. M-1 and M-3 orders of appointment, this workman was employed as Store-Keeper-cum-Typist in the Building Department of L.I.C. on its work charge establishment in connection with the Building Project mentioned therein. The appointment orders mention that it was purely temporary and liable to be terminated without assigning any reason on giving 30 days notice or wages in lieu thereof. Clause 2 of the Order mentions that not withstanding that, the appointment automatically ends without any notice, on the expiry of the period of appointment mentioned in that order. As per Ex. M-1 it was 1-1/2 years period and as per Ex. M-3 it was one month period. Clause 3 of the order mentions that appointment did not confer any right on the workman to claim extension of tenure and absorption against permanent vacancies in the services of the Corporation nor it would give him any preference over other candidates in the matters of recruitment. Clause 4 mentions that that appointment being on work charge basis, he would not be governed by the provisions of the L.I.C. Staff Regulations. The other clauses in these appointment orders are not relevant but at the end of the order, it was mentioned if all terms were acceptable the appointee should report for duty before the Senior Divisional Officer, Hyderabad.

4. In the claims statement it is averred that in July, 1980 after serving for a period of over three years this workman approached the workers organisation for his permanent absorption, that as there was no favourable response from the Senior Divisional Manager when it approached him, it raised a dispute with the Assistant Labour Commissioner (Central) on 18-7-1980, that the Senior Divisional Manager by his letter dated 15-9-1980 rejected their demands but however as directed by the Assistant Labour Commissioner a meeting was arranged in Assistant Labour Commissioner's office on 15-10-1980 and it was agreed that there should be further mutual discussions in the matter, that the workers Union reiterated its demand by a letter dated 27-10-1980 but the L.I.C. annoyed by the issue being made as industrial dispute, terminated the services of the workman on 24-11-1980. It is contended that this was an arbitrary termination in violation of Section 33 of the Industrial Disputes Act, that the Assistant Commissioner of Labour when approached by the Union convened a meeting to discuss the dispute on 18-12-1980 and repeatedly postponed it to various dates at the request of the Management and the date was finally fixed on 18-5-1981 and the Management pleaded their inability to concede to the demand and the Union did not agree with that contention and the Conciliation Officer sent a failure report. It is pleaded that the workman should be reinstated with full backwages and his services also should be regularised and other benefits should be given to him. It is further contended that the Management violated Section 33 of the I.D. Act and also Section 25 (F) and (FFF) by not paying necessary compensation and on that ground also the termination order should be set aside. It is also averred that the workman is a qualified person but he was not considered against regular vacancy of Assistants or Typist while persons appointed after him are continuing in service and for all these reasons the claim for reinstatement of this workman and other reliefs should be allowed.

5. The counter of the Management is that the persons employed by the Corporation are its regular employees governed by the Staff Regulations appointed under Statutory authority given under Section 23 of the L.I.C. Act, that the persons engaged by the Corporation on its work charge establishments are not governed by the Staff Regulations and it was also the policy of the Corporation not to continue the employment on work charge establishment beyond three years or even beyond two years and as the work is progressing completion, the requirement of man power is reviewed and decisions are taken as to the number of work charge to be continued in employment and therefore these posts are purely temporary and liable to be terminated without assigning any reason with 30 days notice and appointment orders also are provided like that and this workman was one of the persons that was so employed. It is also mentioned in the counter that as the workman was having educational qualification, relaxing the age he was considered to cadre of regular typist as a special case

but in the he could not make a grade and therefore he was not selected as regular typist. It is contended that the reference is bad and if there is violation of Section 33 of the I.D. Act, the procedure to be followed is different and the workman is not entitled to any relief and when he could not gain entry in the test for regular posts, he cannot be permitted to gain entry by back door method by resorting to this reference. The other allegations in the claims petition are denied and it is further contended that the matter was seized in conciliation on 20-3-1981 only and by then the services of the workman were terminated and therefore Section 33 of the I.D. Act could not come into play and the allegation in the claims statement that there was violation of Section 25 (F) and 25 (FFF) is also unfounded, and the other allegation that persons appointed subsequent to this workman are continued in service is also not correct. Finally it is submitted that the workman is not entitled to any relief and the reference has therefore to be dismissed.

6. Of the several points that arise for determination in this case, the first point that may be considered is whether the order of the Management in terminating the service of this employee Surrender Kumar does not amount to retrenchment. The contention on behalf of the Management as noticed is that this employee was engaged for specified period only in the work charged establishment as the appointment order itself shows and by afflux of time, the appointment comes to an end the employee ceased to be in employment from the date mentioned in the appointment order and therefore this cannot be considered as a case of retrenchment. But this contention has no force. This employee was no doubt appointed initially for a period of 1-1/2 years but his services were continued continuously, even if by successive orders, for a period of about 3-1/2 years. The termination by the employers after 3-1/2 years of service for any reason whatsoever would be a retrenchment within the meaning of Section 2 (90) of the Act. The decision of the Supreme Court in State Bank of India v. Sundaramony reported in 1976 (1) L.J., page 478, squarely applies to the instant case before me. The mentioning of the date of termination in the appointment order cannot be of any avail to the employer in this regard. Therefore this is a case of retrenchment and the proviso to Section 25 F (a) cannot be invoked to aid the employer.

7. The next point that has to be considered is whether this order of termination which is to be taken as an order of retrenchment is invalid in as much as the workman was not paid one month's salary in lieu of notice and the retrenchment compensation amount at the time of the retrenchment order.

8. Admittedly the workman in this case was not paid the one month's salary or the compensation amount at the time of termination of his service. The workman's contention is that the above quoted Supreme Court decision applied to his case and the order of retrenchment should be treated as null and void and consequential reliefs should be granted to him. The submission on behalf of the Management on the other hand is that in Ex. M6 order the workman was requested to collect his dues from the Accounts Department of the Divisional Office and by Ex M5 communication dated 11-12-1980 he was informed that he would be paid Rs. 1,150.00 covering the one month's salary and the retrenchment compensation on receiving signed stamped receipt from him and as there was no response from the workman to that, the amounts were sent subsequently by Money Orders which was also returned undelivered and all this would show substantial compliance of Section 25-F of the Act and the retrenchment order has therefore to be treated as valid one. On a careful consideration of the evidence in this case, I am of the view that the contention of the workman should be upheld. Section 25F lays down that no workman shall be retrenched until the workman has been given one month's notice or paid one month's salary and until the workman has been paid at the time of retrenchment the compensation amount calculated at 15 days average pay for every completed year of continuous service or any part thereof in excess of six months. These payments are condition precedents for a valid order of retrenchment. This retrenchment compensation must be paid at the time of retrenchment. Ex. M6 order dated 24-11-1980 does not at all indicate that the workman would be paid the retrenchment compensation or one month's salary in lieu of notice. It would

appear from this order that the management was under the impression at that stage that there could be termination simpliciter as per Clause 2 of the appointment order Ex. M3 which mentions that the appointment would cease at the expiry of the period of one month from that date. That is why in this termination order Ex. M6 it was mentioned that as per that Clause 2 the services of this workman were terminated from 24-11-1980. This order was passed on 24-11-1980 itself and he was removed from that day itself. This order does not indicate that the one month's salary or compensation amount would be paid to him. It was merely mentioned there in that the removed employee should collect his dues from the Accounts Department which obviously means that he was to receive the salary due to him for that month till that date of removal. From the claims statement would appear that the workers Union had taken up the case of this employee and was agitating on this behalf for regularisation of his services. While that process was taking place this termination order was passed. It would appear that the Union protested against the termination of the services of this employee and approached the Assistant Labour Commissioner who convened a meeting on 18-11-1980 to discuss the dispute. There is no positive denial of this averment in the counter filed by the Management. That date must have been fixed sufficiently in advance i.e. a week or ten days earlier. It would thus appear that when the Union was contesting the retrenchment order of the Management and was espousing the case of this workman, the Management appears to have come forward with Ex. M5 letter on 11-12-1980 i.e. after a fortnight after the termination order and offered compensation amount if voucher was sent and then actually sent that amount by Money Order towards the end of January 1981 only. It is thus clear that the Management was initially under the impression that it could pass the termination order simpliciter in terms of Clause 2 of the appointment order fixing the period of employment and it did not therefore pay the one month's salary or compensation to the workman at the time of that termination. It is only subsequently after realising the position, the Management appears to have offered the amount to this workman. The refusal of the workman to receive the amount at that stage on the ground that those payments were not in compliance with the provisions of law cannot be said to be improper. The fact thus remains that at the time of termination, this workman was not paid the amounts as per Section 25-F of the Act. These payments are condition precedent to a valid retrenchment and in the absence of these payments, the retrenchment order is invalid and untenable and has to be considered as void.

9. Even otherwise, the termination order in this case has to be taken as arbitrary and capricious. This workman was employed as Store Keeper-cum-Typist for a period of 34 years. At the time of appointing him as Typist, he must have been tested and found suitable as otherwise he would not have been given appointment order. It is stated on behalf of the Management that relaxing the age rule he was allowed to take the test for regular appointment as Typist and he did not make the grades and therefore he could not be appointed regularly. Naturally after service of 3 1/2 years he would become older to that extent and in all probabilities he might have become age-barred at the time of those tests for appointment of typists. But when he was given appointment after test in the beginning and when his services were found to be satisfactory and he was continued for more than 34 years, and when it is not the case of the Management that his services were not satisfactory, to terminate his services on the ground that he did not make mark in another or some other test at the end of 3 1/2 years or on the ground that he was only a temporary employee on work charge establishment, is nothing but arbitrary and capricious. On this ground also the contention of the workman that his termination is bad and liable to be set aside, has to be upheld.

10. Before considering what relief this workman can be granted, a mention has to be made to another point raised by the workman in the claims statement. It is mentioned that the order of termination is in violation of Section 33 of the I.D. Act on the ground that conciliation proceedings were going on and instead of allowing the conditions of service to remain unchanged and without permission of the authority, the employment was terminated. But this aspect is not pressed at the time of arguments by the representatives of the workman. That apart, it is also not clear

from the claims statement as to when exactly the dispute was pending before the Conciliation Officer. From the averment of the counter it would appear that the conciliation proceedings were initiated subsequent to the order of termination. The evidence does not establish that during the pendency of conciliation proceedings this termination was affected. It would appear from the reference that the conciliation proceedings ended in failure and on receiving the failure report to this reference was made to this Tribunal. Therefore Section 33 would not come into picture for his termination order. For this reason, the plea taken in the counter that if there was violation of Section 33 of the Act, the workman had a remedy under Section 33-A of the Act and therefore the reference itself under Section 10(1)(d) of the Act is bad cannot also be available to the Management.

11. Now as it is found that the termination order is an invalid one, to what relief this workman is entitled to may be considered.

12. In the decision of the Supreme Court cited supra, the Court found that the reinstatement is a necessary relief with reasonable conditions. The Supreme Court held that in the facts and circumstances of that case that employee should be put back where he left and his new salary would be what he would draw were he to be appointed in the same post on that day denovo and he would be ranked below all permanent employees and would be deemed to be a temporary hand. If the workman in this case before me is remaining unemployed and is asking for reinstatement now, similar order would have been considered to be appropriate in this case also.

13. A passing reference may be made to the offer of the Management and the conditional acceptance of the workman in this case during the pendency of this Industrial Dispute. The Management filed a Memo offering reinstatement to this employee with immediate effect in the work charge establishment, without prejudice to its contentions. The reply of the workman is that he was accepting that offer as he became age barred and also un-employed without prejudice to his rights for absorption in permanent cadre etc. He stated that because his salary was meagre, he may not be posted at out-station and it was also mentioned in his reply that he was apprehending that after reinstatement the Management would terminate his services after paying compensation as per law and therefore keeping the industrial dispute pending he was willing to join duty. The Management filed a rejoinder to that stating that there cannot be any such conditions and the petitioner would have to join duty and award would have to be passed on that basis. All this happened in the months of January and February 1982 before commencement of the enquiry in the industrial dispute. The apprehension of workmen might be a justifiable one but any way we need not consider that aspect at this stage as the parties went to trial on the main issues in the industrial dispute and I may just referring to this in passing away in view of the filing of the Memos by the parties at that time.

14. Now the workman Sri Surender Kumar does not require reinstatement because since January 1982 he is employed as Assistant Stores Officer in A.P.S.C.C though on probation. But from 25-11-1980 till he secured that employment in January 1982, he remained unemployed because of the invalid retrenchment order. Of course it may be just and proper if the Management is to be directed to pay the salary to this workman till he secured the alternative employment though his services were not utilised by the management during this period. In these circumstances the just and proper relief the workman would be entitled to is to have his salary or wages for a period of six months to compensate him for the trouble or inconvenience he must have undergone during the period till he secured the alternative job. His salary was a fixed sum of Rs. 460.00 and for six months it would come to Rs. 2,760.00. This is reasonable compensation the petitioner is entitled to and this is besides the statutory compensation and one month's salary in lieu of notice which was calculated to be Rs. 1,150.00 in Ex. M5 communication. Adding this statutory compensation, the total amount this workman has to be paid by the Management comes to Rs. 3,910.00. This is the relief the workman is entitled to now as reinstatement is not required by him at this stage.

15. In the result, in view of the foregoing, I hold that the action of the Management of Life Insurance Corporation, Hyderabad in terminating the services of this workman Sri M. Surender Kumar with effect from 24-11-1980 is wholly unjustified and the termination order is invalid and unsustainable. I further hold that as a result of this finding, this workman is entitled to an amount of Rs. 3,910.00 in all as compensation by way of relief in this matter and the Management shall pay this amount with interest at 12 percent from the date of this award.

Award passed accordingly.

Dictated to the Stenographer, transcribed by him and corrected by me and given under my hand and the seal of this Tribunal, this the 3rd day of October, 1983.

Sd. illegible

INDUSTRIAL TRIBUNAL

Appendix of Evidence.

Witnesses Examined for the Workmen :
Witnesses Examined for the Management :
W.W.1 M. Surender Kumar.
M.W.1 K. G. Punjabi.
M.W.2 G. Seshasai.

Documents filed by the Workmen :

NIL

Documents filed by the Management :

- Ex. M1 Appointment Order No. Ref. Estt./RV/3828, dt. 11-13/5/77 issued by the Chief Engineer, Life Insurance Corporation of India, Bangalore to M. Surender Kumar.
- Ex. M2 Joining Report dt. 27-5-77 of M. Surender Kumar.
- Ex. M3 Extension of appointment order dt. 25-10-80 issued by Chief Engineer, Life Insurance Corporation of India Bangalore to M. Surender Kumar.
- Ex. M4 Relief Order dt. 24-11-80 issued by the Management to M. Surender Kumar.
- Ex. M5 Letter dt. 11-12-80 addressed by the Management to M. Surender Kumar, regarding one month's salary and compensation.
- Ex. M6 True copy of the termination order dt. 24-11-80 issued by the Management to M. Surender Kumar.
- Ex. M7 Returned Money Order coupon for Rs. 1,150.00 by M. Surender Kumar.
- Ex. M8 Returned Money Order coupon for Rs. 1,150.00 by M. Surender Kumar.

M. SRINIVASA RAO, Presiding Officer.

[No. L-17012(6)/81-D. IV.A]

S. S. PRASHER, Desk Officer

New Delhi, the 16th November, 1983

S.O. 4394.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 3 Dhanbad, in the industrial dispute between the employers in relation to the management of Lower Kenda Colliery of Messrs Eastern Coalfields Limited, P.O. Bahula, District Burdwan and their workmen, which was received by the Central Government on the 8-11-1983.

BEFORE THE CENTRAL GOVT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT No. 3, DHANBAD

REFERENCE No. 33/82

PRESENT :

Shri J. N. Singh, Presiding Officer.

PARTIES :

Employers in relation to the management of Lower Kenda Colliery of M/s. Eastern Coalfields Ltd., P.O. Bahula, Dist. Burdwan.

AND

Their workman.

APPEARANCES :

For the Employers.—Shri N. Dass, Advocate.

For the Workman.—Shri S. Yer Mohammad.

INDUSTRY : Coal.

STATE : West Bengal.

Dhanbad, the 1st November, 1983

AWARD

The Govt. of India in the Ministry of Labour in exercise of the powers conferred on them U/s. 10(1)(d) of the Industrial Disputes Act, 14 of 1947 has referred the dispute to this Tribunal for adjudication under Order No. L-19012(4)/82-D-IV(B) dated the 7th April, 1982.

SCHEDULE

"Whether the management of Lower Kenda Colliery of M/s. Eastern Coalfields Ltd., P.O. Bahula, Dist. Burdwan was justified in superannuating Sri Chand Majhee, Surface Unloader with effect from 1-8-1981? If no, to what relief is the workman entitled?"

2. The case of the workman is that he was appointed on 31-1-1973 (the date of take over of the coal mines by the Govt.) and was a permanent employee as Surface Loader under the management. It is further stated that after his appointment he was issued a service card by Coal Mines Authority Ltd., in which his year of birth was recorded as 1939 on the date of his appointment. The management, however, illegally superannuated him with effect from 1-9-81 (wrongly mentioned as 1-8-81 in the terms of Reference) on the basis of Form B register which was prepared in the year 1976 and in which his age was recorded as 57 years. It is submitted that the concerned workman belongs to Scheduled Tribes and is most backward and illiterate and that the age as recorded in Form B register is incorrect and his superannuation is illegal and unjustified. It is, therefore, prayed that he should be reinstated with full back wages.

3. It is admitted by the management that the concerned workman Chand Majhi was appointed on 31-1-1973. It is, however, stated that the erstwhile colliery did not maintain any Form B register which is a statutory register for the employees and as such the name of the concerned workman was not recorded in Form B register at the time of take over. After nationalisation of coal mines a new Form B register was prepared by the management in the year 1976 in which the age of concerned workman was recorded as 57 years and on the basis of that entry he should have been superannuated in the year 1979 but it could not be done because the Form B register was taken by the Company's Auditor. After the register was received back the concerned workman was superannuated from 1-9-1981. Regarding the alleged identity card or service card it is submitted by the management that it must be fabricated and no reliance can be placed on it. The main defence, however, is that the superannuation was done on the basis of entry in the Form B register and the concerned workman is not entitled to any relief.

4. The point for consideration is as to whether the action of the management in superannuating the concerned workman with effect from 1-9-81 is justified. If not to what relief is the concerned workman entitled.

5. It is not denied that the concerned workman is illiterate and he belongs to Schedule Tribe. The workman who has examined himself as WW-1 has stated that he cannot say his year of birth as he is illiterate but he has stated that he was appointed at the age of 34 years. He has also stated that he stated his age before the Labour Officer at the time of appointment. In paragraph 3 of his cross-examination the concerned workman was put several questions but he has not been shaken in his cross-examination and his answer would indicate that he could never have attained the age of 60 years on the alleged date of superannuation.

6. On behalf of the management the sole reliance has been placed on Form B register marked Ext. M-1. It is admitted by MW-1 & MW-2 that this register was prepared in the year 1976. No explanation has been given as to why though the mine in question was taken over and nationalised in the year 1973 no Form B register was prepared by the management even though no such register was maintained by the erstwhile management as pointed out by the present management. The present Form B register Ext. M-1 was admittedly prepared in the year 1976 and MW-2 has stated that he made entries in this register. He has nowhere stated that the age was recorded in this register at the instance of the concerned workman. The Form B register is a must and is to be maintained by all the coal mines under the Mines Act. Further from a very look of the Form B register it will appear that it has been prepared in a haphazard manner and no reliance can be placed on it. The name of the concerned workman is mentioned in Sl. No. 433. All the details in this register are written in one ink while the age of the concerned workman has been written in different ink and it appears that this column No. 4 is meant for age and sex has been filled up subsequently. Originally in this column age was recorded as 59 but it has been penned through and 57 has been written. No doubt it purports to bear the thumb impression of the concerned workman but there is no proof to show that his thumb impression was taken after reading over the contents to him. Further it will appear that there are several other entries in this register which would show that no age has been recorded at all in respect of several number of workmen and it has been left blank. There is no one or two instances but there are more than hundred instances like it. There is no explanation on behalf of the management as to why the age was not recorded against the name of so many workmen. All these facts clearly indicate that this register was prepared in a haphazard manner and it does not mention correct age of the workman concerned. Further it also looks unnatural that a man of the age of 57 years would be given fresh appointment in a mine.

7. As against this the concerned workman has filed his identity card which has been proved by the management themselves. It bears the signature of the Manager of the colliery admittedly. The year of birth recorded in it is 1939 and if this age be taken to be correct then at the present the concerned workman must be aged about 44 years only and so the question of his attaining 60 years in the year 1981 does not arise at all. The concerned workman has also filed his pay slips Ext. W-2 series to show that in those slips his Sl. No. in the Form B register is quite different but the pay slips by themselves do not indicate that Sl. No. 244 in them is the Sl. No. of Form B register.

8. I had the occasion to see the concerned workman at the time of his evidence as also on the date of argument and I have made a note of it that from his appearance and look the workman concerned did not appear to have reached the age of 60 years and he looked much younger. Though the Tribunal is not an expert nor a Doctor but one can very easily give a rough estimate about the age of a man after looking at him. The concerned workman could at no stretch of imagination have attained the age of 60 years on 1-9-81 the date of his retirement. Utmost at the present he would not be more than 50 years.

9. It will also appear that there are only two documents on the record regarding the age of the concerned workman, one is the Form B register which does not appear to be reliable at all in view of the reasons stated already and another documents is the service card of the concerned workman which bears the signature of the Manager admittedly and there is nothing to doubt its genuineness. In view of the two contradictory documents the best course for the management was to send the concerned workman to the Age Determination Committee or the Medical Board to ascertain his age as is done in several other cases. The Medical Board or the Age Determination Committee by whatever name it may be called was the best authority to estimate the correct age of the workman. There appears to be absolutely no reason as to why the concerned workman was not referred to the said committee. I had the occasion to deal with several other cases of this kind of the Bharat Coking Coal Ltd., and the Eastern Coalfields Ltd., and found that in most of the cases when there is dispute regarding the age the workman was referred to

Medical Board or Age Determination Committee. There is also a letter of the management to this effect Ext. W-3 dated 31-10-81 in which it has been directed that in case wherever there is variation regarding the age in the records of the management like B Form, Identity Card, Service record etc. the workman should be referred to the age determination committee. No doubt this direction is of a subsequent period but even in earlier cases such workmen were referred to the Age Determination Committee for determination of his age.

10. Considering all these evidence I hold that the concerned workman had not attained the age of 60 years on the date of superannuation and his superannuation is illegal and unjustified.

11. The next point is that the concerned workman has also not adduced any other evidence excepting his identity card in respect of his age. In cross-examination he has stated that he cannot say the year of his birth as he is illiterate. In such circumstances the proper course for the management would be that the concerned workman be reinstated within a month of the date of the award with full back wages as he was retired illegally and thereafter his age should be determined on the report of the Age determination Committee before whom he should be referred after he joins his post and he should be retired on attaining the age of 60 years after his age has been determined by the Age Determination Committee.

12. To sum up it is held that the action of the management in superannuation the concerned workman with effect from 1-9-81 is illegal and unjustified and the concerned workman should be reinstated with full back wages within a month from the date of award. Thereafter he should be referred to the Age Determination Committee for fixation of his age and he should thereafter be superannuated in normal course.

13. The award is given accordingly.

J. N. SINGH, Presiding Officer
{No. L-19012(4)/82-D. IV(B)}

S.O. 4395.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 3, Dhanbad, in the industrial dispute between the employers in relation to the management of Tirat Colliery of Messrs Eastern Coalfields Limited, Post Office Kalipahari (Burdwan) and their workmen, which was received by the Central Government on the 7th November, 1983.

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL
CUM-LABOUR COURT NO. 3

DHANBAD

REFERENCE NO. 29/82

PRESENT : Shri J.N. Singh,

Presiding Officer.

PARTIES : Employers in relation to the management of
Tirat Colliery of M/s. Eastern Coalfields Ltd.,
P.O. Kalipahari (Burdwan).

AND

Their workmen

APPEARANCES : For the Employers—Shri R.S. Murthy,
Advocate.

For the Workmen : None.

INDUSTRY : Coal. STATE WEST BENGAL
Dated, the 31st October, 1983

AWARD

The Govt. of India in the Ministry of Labour in exercise of the powers conferred on them U/S 10(1)(d) of the Industrial

Disputes Act, 14 of 1947 has referred the dispute to this Tribunal for adjudication under Order No. L. 19011(30)/81-D. IV(B) dated the 31st March, 1982.

SCHEDULE

"Whether the action of the management of Tirat Colliery of M/s. Eastern Coalfields Ltd., P.O. Kalipahari (Burdwan) in not paying the wages in the first shift of 12-9-1981 to the underground loaders (as per list enclosed) is justified? If not, to what relief are the workmen entitled?"

List of Workmen

Sl. No.	Name	Designation
1	2	3
1.	Sukdew Das	Machine Loader
2.	Mahabir Das	-do-
3.	Fuloki Das	-do-
4.	Sardhari Das	-do-
5.	Jhaksoo Das	-do-
6.	Sitaram Ahir	-do-
7.	Rajbali Yadab	-do-
8.	Prabalad Yadab	-do-
9.	Khartali Min	-do-
10.	Osi Khan	-do-
11.	Sanaul Mia No. 1	-do-
12.	Maharudein Mia	-do-
13.	Mahid Khan	-do-
14.	Dand Mia	-do-
15.	Dhaloo Mia	-do-
16.	Kaloo Majhi	-do-
17.	Suku Majhi	-do-
18.	Ru all Majhi	-do-
19.	Nabagopal Majhi	-do-
20.	Ch. Koka Majhi	-do-
21.	Tammar Majhi	-do-
22.	Matia Tudi	-do-
23.	Supal Majhi No. 1	-do-
24.	Supal Majhi No. 2	-do-
25.	Badal Majhi	-do-
26.	Murath Gourh	-do-
27.	Sewnath Ahir	-do-
28.	Kataroo Bhuj	-do-
29.	Sarath Bhar	-do-
30.	Santalall Mallah	-do-
31.	Rampiaray Bhuj	-do-
32.	Arjun Mondal	-do-
33.	Chandar Rabidas	-do-
34.	Chanardhan Chamar	-do-
35.	Alokdeew Chamar	-do-
36.	Lokdeo Chamar	-do-
37.	Anadi Mondal	-do-
38.	Mahesh Mondal	-do-
39.	Bhuneswar Yadab	-do-
40.	Sulaman Mia	-do-
41.	Ramjan Mia	-do-
42.	Muneswar Kumahar	-do-
43.	Sanichari Tanti	-do-
44.	Naresh Kumahar	-do-
45.	Jogindar Yadav	-do-
46.	Manbharan Roy	-do-
47.	Jaladhar Turi	-do-
48.	Rajit Chamar	-do-

1	2	3
49.	Jagdish Shaw	Machine Loader
50.	Daman Mondal	-do-
51.	Ghaman Mondal	-do-
52.	Latif Mia (No. 2)	-do-
53.	Gouri Das	-do-
54.	Jiten Das	-do-
55.	Nathuni Singh	-do-
56.	Bhaglu Kairi	-do-
57.	Mahendar Gope	-do-
58.	Keshoo Passi	-do-
59.	Dasarath Gupta	-do-

2. After the case became ready for hearing the union almost left payarbi of the case and did not come to Court for hearing. Several notices were issued to them but to no effect. Registered notice was issued on the last date also but the union did not appear. The union also filed written statement in the case after serving several notices.

3. From all these facts it is clear that the union has got no interest and there appears to be no industrial dispute between the parties.

4. In the circumstances a 'no dispute' award is passed.

J.N. SINGH
Presiding Officer
[No. L-19011/30/81-D-IV/(B)]
S.S. MEHTA, Desk Officer

नई दिल्ली, 16 नवम्बर, 1983

कां.आ. 4396.—उत्प्रवास अधिनियम, 1922 की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, श्री टी. के. गोपालन, पासपोर्ट आफिसर, मद्रास को 4-11-1983 से उत्प्रवासी संरक्षी मद्रास के रूप में नियुक्ति करती है।

[सं.टी-11017/1/83-ईमिग्रेशन-II]

आर. के. दास, अवर सचिव

New Delhi, the 16th November, 1983

S.O. 4396.—In exercise of the powers conferred by Section 3 of the Emigration Act, 1922 (7 of 1922), the Central Government hereby appoints Shri T.K. Gopalan, Passport Officer, Madras, to be the Protector of Emigrants, Madras with effect from the 4th November, 1983.

[No. T-11017/1-83-EMIG. II]
R. K. DAS, Under Secy.

नई दिल्ली, 10 नवम्बर, 1983

कां.आ. 4397.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स दि मारबालड ट्रेडिंग कोर्पोरेशन लिमिटेड, खेतान भवन, एम. आई. रोड, जयपुर, राजस्थान नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए,

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[संख्या एस-35019/(340)/83-पी.एफ.-II]

New Delhi, the 10th November, 1983

S.O. 4397.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs The Marwar Trading Corporation Limited, Khaitan, Bhawan, M. I. Road, Jaipur, Rajasthan, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment.

Now therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said act to the said establishment.

[No. S. 35019(340)/83-P.F. II]

का०आ० 4398—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स केपिटल पैकेजिंग, प्लॉट नं० 413, फेस-II, जी०आई०डी०सी०, वाटवा, अहमदाबाद नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिएं,

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं० एस-35019/327/83-पी०एफ० 2]

S.O. 4398.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Capital Packaging, Plot No. 413, Phase-II, G.L.D.C. Vatva, Ahmedabad have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(327)/83-P.F. II]

का०आ० 4399—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स राईचुर सिटी अर्बन को-ओपरेटिव बैंक लिमिटेड, ब्रेस्टवार्पेट, राईचुर कर्नाटक नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिएं,

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[संख्या एस-35019(341)/83-पी०एफ०-2]

S.O. 4399.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Raichur City Urban Cooperative Bank Limited, Brestwarpet, Raichur, Karnataka, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said act to the said establishment.

[No. 35019(341)/83-P.F. II]

का०आ० 4400—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स मेटल प्रिंट ऑफसेट वर्क्स, 36, इन्ड-स्ट्रीयल इस्टेट, पोलो ग्राउंड, इन्दौर (एम०पी०) नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिएं,

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[संख्या एस-35019(339)/83-पी०एफ०-2]

S.O. 4400.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Metal Print Offset Works, 36, Industrial Estate, Pologround Indore, Madhya Pradesh, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said act to the said establishment.

[No. S-35019(339)/83-P.F. II]

का०आ० 4401—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स सतना अलकोहल इन्डस्ट्रीज, सतना डिस्टिलरी, सतना-458001, म० प्र० नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिएं,

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं० एस-35019/338/83-पी० एफ० 2]

S.O. 4401.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Satna Alcohol Industries, Satna Distillery, Satna-458001, Madhya Pradesh, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said act to the said establishment.

[No. S-35019(338)/P.F. II]

का०आ० 4402—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स छत्तीसगढ़ पैस्ट्रीसाइड्स, 24, इन्ड-

स्ट्रीयल इस्टेट, रामपुर (एम० पी०) नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए,

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं० एस-35019(337)/83-पी० एफ०-2]

S.O. 4402.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Chhatishgarh Pesticides, 24, Industrial Estate, Raipur, Madhya Pradesh, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by Sub-Section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said act to the said establishment

[No. S-35019(337)/83-P.F. II]

का०आ० 4403.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स ब्राइट फार्मास्युटिकल इन्डस्ट्रीज, 42, इन्डस्ट्रीयल इस्टेट, पोलो ग्राउंड, इन्दौर नामक स्थापन से सम्बद्ध नियोजक कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं० एस-35019(336)/83-पी० एफ०-2]

S.O. 4403.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Bright Pharmaceutical Industries, 42, Industrial Estate, Polo-ground, Indore, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment,

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said act to the said establishment.

[No. S-35019(336)/83-P.F. II]

का०आ० 4404.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स ताप्ती लैडर प्राईवेट लिमिटेड, प्लॉट नं० 31-बी, आगरा मन्वई रोड, देवास-455001 (एम० पी०) नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए,

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं० एस-35019(335) 83-पी० एफ०-2]

S.O. 4404.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Tapti Leather Private Limited, Plot No. 31-B, Agra Bombay Road, Dewas-455001, Madhya Pradesh have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by section (4) of Section I of the said Act, the Central Government hereby applies the provisions of the said act to the said establishment.

[No. S-35019(335)/83-P.F. II]

का०आ० 4405.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स सोंधी मैन्युफैक्चरिंग कम्पनी, 20-ए, इन्डस्ट्रीयल एस्टेट, जालन्धर सिटी, पंजाब नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं० एस-35019(334)/83-पी० एफ०-2]

S.O. 4405.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Sondhi Manufacturing Company, 20-A Industrial Estate, Jullunder City, Punjab, have agreed that the provisions of the employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said act to the said establishment

[No. S-35019(334)/83-P.F. II]

का०आ० 4406.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स हिन्द पाल भूपिन्दर कुमार, 18-आदर्श-नगर, जालन्धर सिटी, पंजाब नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए,

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं० एस-35019(333)/83-पी० एफ०-2]

S.O. 4406.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Hind Paul Bhopinder Kumar, 18-Adarsh Nagar, Jullunder City, Punjab, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies to the provisions of the said act to the said establishment.

[No. S-35019(333)/83-P.F. II]

का० आ० 4407:—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स भद्रेश्वरी ग्राउन्डनट एण्ड दाल मिल, डाकघर-पोन्डुरु, जिला श्री काकुलम, आन्ध्र प्रदेश नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिएं,

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं० एस-35019/332/83-पी० ए० 2]

S.O. 4407.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Maheswaral Groundnut and Dal Mills, Ponduru Post Office Srikulam District, Andhra Pradesh have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said act to the said establishment.

[No. S-35019 (332)/83-P.F. II]

का० आ० 4408:—सरकार को यह प्रतीत होता है कि मैसर्स ए० सी० एम० फाउन्ड्रीज, मासूमचम्पट्टी, कोइम्बटूर-21, तमिल नाडू नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिएं,

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं० एस-35019/331/83 पी० एफ०-2]

S.O. 4408.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs A.C.N. Foundaries, Malumachampatti, Coimbatore-21, Tamil Nadu, have agreed that the Provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now therefore, in exercise of the power conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said act to the said establishment.

[No. S-35019 (331)/83-P.F. II]

का० आ० 4409:—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स मंगल राय जैन इन्व्स्टमेंट्स प्राइवेट लिमिटेड, 49, राजपुरा रोड, दिल्ली नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिएं,

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं० एस-35019/330/83-पी० ए० 2]

S.O. 4409.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Mangat Rai Jain Investments Private Limited, 49 Rajpura Road, Delhi, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said act to the said establishment.

[No. S-35019(330)/83-P.F. II]

का० आ० 4410:—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स कर्नाटक एस्बेस्टोज पाइप कम्पनी, एम-8, इन्ड्रस्ट्रियल एस्टेट, गोकुल रोड, हुबली-30, कर्नाटक नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिएं,

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं० एस-35019/329/83-पी० एफ०-2]

S.O. 4410.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Karnataka Asbestos Pipe Company, M-8, Industrial Estate, Gokul Road, Hubli-30, Karnataka have agreed the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said act to the said establishment.

[No. S-35019 (329)/83-P.F. II]

का० प्रा० 4411.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स श्री. मुक्कामनिया फ्लोर मिल्स, 109-बी, नरसिम्हन रोड, शेवापेट सावम-2, तमिल नाडू के ठेकेदार मैसर्स टी०पी० कृष्णामूर्ति एंड कम्पनी नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं० एम-35019/328/83-पीएफ-2]

S.O. 4411.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs T.P. Krishnamoorthy & Co., Lessee of M/s. Sri Subramania Flour Mills, 109-B, Narasimhan Road, Shevapet, Salem-2, Tamil Nadu, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019 (328)/83-P.F. II]

का० आ० 4412.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स फास्टनेर्स एण्ड एलाइड प्रोडक्ट्स प्राइवेट लिमिटेड, एम-3, इन्डस्ट्रीयल एस्टेट, गोकुल रोड, हुबली 580030, कर्नाटक नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए ;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं० एम-35019/326/83-पी०एफ०-2]

S.O. 4412.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Fastners and Allied Products (Private) Limited, M-3, Industrial Estate, Gokul Road, Hubli-30, Karnataka have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said act to the said establishment.

[No. S-35019 (326)/83-PF-II]

का०आ० 4413.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स निदीजत कार्पोरेटिव बैंक लिमिटेड, साधना बिल्डिंग, 1042 GI/83-6

राजकोट और इसकी शाखा 17, मिन्पारा नियर आर्य समाज मंदिर, डेबर भाई रोड, राजकोट नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए ;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध स्थापन को लागू करती है।

[सं० एम-35019/324/83-पी. एफ. 2]

S.O. 4413.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as the Messrs Citizens Co-operative Bank Ltd., Sadhna Building Rajkot (Gujarat) including its branch at 17, Millpara, Near Arya Samaj Mandir, Dhebar Bhai Road, Rajkot, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019 (324)/83-PF.III]

नई दिल्ली, 14 नवम्बर, 1983

का० आ० 4414.—हरियाणा राज्य सरकार ने कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 के खण्ड (घ) के अनुसरण में श्री एम० कृट्याप्पन के स्थान पर श्री एम० सी० गुप्ता, आयुक्त-एवं-सचिव, हरियाणा सरकार को कर्मचारी राज्य बीमा निगम में उस राज्य का प्रतिनिधित्व करने के लिए नामनिर्दिष्ट किया है,

अतः अब केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 के अनुसरण में, भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का० आ० 850 (अ), दिनांक 21 अक्टूबर, 1980 में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में, “(राज्य सरकारों द्वारा धारा 4 के खण्ड (घ) के अधीन नामनिर्दिष्ट)” शीर्षक के नीचे मध्य 12 के सामने की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात् :—

“श्री एम० सी० गुप्ता,
आयुक्त-एवं-सचिव,
हरियाणा सरकार,
श्रम और रोजगार विभाग,
चण्डीगढ़।”

[संख्या यू-16012/7/83-एच० आई०]

New Delhi, the 14th November, 1983

S.O. 4414.—Whereas the State Government of Haryana has, in pursuance of clause (d) of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948) nominated Shri M.C. Gupta Commissioner-cum-Secretary to the Govt. of Haryana to represent that State on the Em-

employees' State Insurance Corporation, in place of Shri M. Kuttappan;

Now, therefore, in pursuance of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour No. 850 (E), dated the 21st October, 1980, namely:—

In the said notification, under the heading "(Nominated by the State Governments under clause (d) of section 4)", for the entry against Serial Number 12, the following entry shall be substituted, namely:—

"Shri M. C. Gupta,
Commissioner-cum-Secretary
to the Govt. of Haryana,
Labour & Employment Deptt.,
Chandigarh."

[No. U-16012/7/83-H.I.]

का० आ० 4415,—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद् द्वारा 20 नवम्बर, 1983 का उस तारीख के रूप में नियत करती है जिसको उक्त अधिनियम के अध्याय 4 (धारा 44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) और अध्याय 5 और 6 (धारा 76 की उपधारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबन्ध पंजाब राज्य के निम्नलिखित क्षेत्र में प्रवृत्त होंगे, अर्थात्:—

"ज़िला संगरूर में राजस्थ ग्राम संगरूर

हद बस्त संख्या 23

उप्पली हद बस्त संख्या 7,

रामनगर सिबियन हद बस्त संख्या 37 तथा

सोहोयान हदबस्त संख्या 39 के अन्तर्गत
आने वाले क्षेत्र।"

[संख्या एस-38013/26/83-एच. आई०]

S.O. 4415.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 20th November, 1983 as the date on which the provisions of Chapter IV (except section 44 and 45 which have already been brought into force) and Chapters V and VI (except sub-section (1) of section 76 and sections 77, 78, 79 and 81 which have already been brought in to force) of the said Act shall come into force in the following areas in the State of Punjab, namely:—

"Areas comprised within the revenue village
Sangrur Had Bast No. 23,
Uppli Had Bast No. 7,
Ram Nagar Sibian Had Bast No. 37 and
Soholian Had Bast No. 39 in the
District of Sangrur."

[No. S-38013/26/83-H.I.]

का० आ० 4416.—केरल राज्य सरकार ने कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 के खण्ड (घ) के अनुसरण में श्री वी० कृष्णामूर्ति के स्थान पर श्री यू० महाबाला राव, सचिव, श्रम विभाग, केरल राज्य

सरकार का कर्मचारी राज्य बीमा निगम में उस राज्य का प्रतिनिधित्व करने के लिए नामनिर्दिष्ट किया है;

अतः अब केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 के अनुसरण में, भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का० आ० 850 (अ), दिनांक 21 अक्टूबर, 1980 में निम्नलिखित संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में, "(राज्य सरकारों द्वारा धारा 4 के खण्ड (घ) के अर्थ में नामनिर्दिष्ट)" शीर्षक के नीचे मद्र 16 के सामने की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात्:—

"श्री यू० महाबाला राव,

सचिव,

श्रम विभाग,

केरल सरकार, त्रिवेन्द्रम।

[संख्या यू-16012/2/82 एच० आई०]

S.O. 4416.—Whereas the State Government of Kerala has, in pursuance of clause (d) of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948) nominated Shri U. Mahabala Rao, Secretary, Labour Department, Government of Kerala to represent that State on the Employees' State Insurance Corporation, in place of Shri V. Krishnamurthy;

Now, therefore, in pursuance of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour No. 850(E), dated the 21st October, 1980, namely:—

In the said notification, under the heading "(Nominated by the State Governments under clause (d) of section 4)", for the entry against Serial Number 16, the following entry shall be substituted, namely:—

"Shri U. Mahabala Rao,
Secretary,
Labour Department,
Government of Kerala,
Trivandrum."

[No. U-16012/2/82-H.I.]

नई दिल्ली, 16 नवम्बर, 1983

का० आ० 4417,—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद् द्वारा 20 नवम्बर, 1983 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय 4 (धारा 44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) और अध्याय 5 और 6 (धारा 76 की उपधारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) उपबन्ध केरल राज्य के निम्नलिखित क्षेत्र में प्रवृत्त होंगे, अर्थात्:—

"ज़िला त्रिवेन्द्रम के चिरायिकील तालुक में
अटिंगल की नगरपालिका सीमाओं तथा

अवानचंचेरी किशुवालम और आलमकोडे के अन्तर्गत आने वाले क्षेत्र ।”

[संख्या एस-38013/28/83-एच.आई.]

New Delhi, the 16th November, 1983

S.O. 4417.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 20th November, 1983 as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force) and Chapters V and VI [except sub-section (1) of section 76 and sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Kerala, namely :—

“The areas comprised within the Municipal limits of Attungal and the revenue villages of Avanavanchery Kizhuvalam and Alamecode in Chirayinkil Taluk of Trivandrum District.”

[No. S-38013/28/83-HI]

नई दिल्ली, 17 नवम्बर, 1983

का० आ० 4418.—मैसर्स महेन्द्र मिल्स लिमिटेड, कलौन, उत्तरी गुजरात (जिसे इसमें इसके पश्चात् उक्त स्थापन कहा गया है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 17 की उपधारा (2-क) के अधीन छूट दिए जाने के लिए आवेदन किया है और केन्द्रीय सरकार का समाधान हो गया है कि उक्त स्थापन के कर्मचारी, किसी पृथक् अभिधाय या प्रीमियम का सन्दाय किए बिना ही, भारतीय जीवन बीमा निगम की सामूहिक बीमा स्कीम के अधीन जीवन बीमा के रूप में फायदे उठा रहे हैं और ऐसे कर्मचारियों के लिए ये फायदे उन फायदों से अधिक अनुकूल हैं जो कर्मचारी निक्षेप सहबद्ध बीमा स्कीम, 1976 (जिसे इसमें इसके पश्चात् उक्त स्कीम कहा गया है) के अधीन उन्हें अनुज्ञेय हैं ;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (2क) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए और इससे उपावद्ध अनुसूची में विनिर्दिष्ट शर्तों के अधीन रहते हुए, उक्त स्थापन को तीन वर्ष की अवधि के लिए उक्त स्कीम के सभी उपबन्धों के प्रवर्तन से छूट देती है।

अनुसूची

1. उक्त स्थापन के संबंध में नियोजक प्रादेशिक भविष्य निधि आयुक्त, गुजरात को ऐसी विवरणियाँ भेजेगा और ऐसे लेखा रखेगा तथा निरीक्षण के लिए ऐसी सुविधाएँ प्रदान करेगा जो केन्द्रीय सरकार, समय-समय पर निर्दिष्ट करें।

2. नियोजक, ऐसे निरीक्षण प्रमारों का प्रत्येक मास की समाप्ति के 15 दिन के भीतर सन्दाय करेगा जो केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (3क) के खण्ड (क) के अधीन समय-समय पर निर्दिष्ट करे।

3. सामूहिक बीमा स्कीम के प्रशासन में, जिसके अन्तर्गत लेखाओं का रखा जाना, विवरणियों का प्रस्तुत किया जाना, बीमा प्रीमियम का सन्दाय, लेखाओं का अन्तरण, निरीक्षण प्रमारों, सन्दाय आदि भी है, होने वाले सभी व्ययों का वहन नियोजक द्वारा किया जाएगा।

4. नियोजक, केन्द्रीय सरकार द्वारा अनुमोदित सामूहिक बीमा स्कीम के नियमों की एक प्रति, और जब कभी उनमें संशोधन किया जाए, तब उस संशोधन की प्रति तथा कर्मचारियों की बहुसंख्या की भाषा में उसकी मुख्य बातों का अनुवाद, स्थापन के सूचना-पट्ट पर प्रदर्शित करेगा।

5. यदि कोई ऐसा कर्मचारी, जो कर्मचारी भविष्य निधि का या उक्त अधिनियम के अधीन छूट प्राप्त किसी स्थापन को भविष्य निधि का पहले ही सबस्थ है, उसके स्थापन में नियोजित किया जाता है तो, नियोजक, सामूहिक बीमा स्कीम के सदस्य के रूप में उसका नाम तुरन्त दर्ज करेगा और उसकी बाबत आवश्यक प्रीमियम भारतीय जीवन बीमा निगम को संचित करेगा।

6. यदि उक्त स्कीम के अधीन कर्मचारियों को उपलब्ध फायदे बढ़ाये जाते हैं तो, नियोजक सामूहिक बीमा स्कीम के अधीन कर्मचारियों को उपलब्ध फायदों में समुचित रूप से वृद्धि की जाने की व्यवस्था करेगा जिससे कि कर्मचारियों के लिए सामूहिक बीमा स्कीम के अधीन उपलब्ध फायदे उन फायदों से अधिक अनुकूल हों, जो उक्त स्कीम के अधीन अनुज्ञेय हैं।

7. सामूहिक बीमा स्कीम में किसी बात के होते हुए भी, यदि किसी कर्मचारी की मृत्यु पर इस स्कीम के अधीन सन्वेय रकम उस रकम से कम है जो कर्मचारी को उस दशा में संचित होती, जब वह उक्त स्कीम के अधीन होता तो, नियोजक कर्मचारी के विधिवत वारिस/नामनिर्देशता को प्रतिकर के रूप में दोनों रकमों के अन्तर के बराबर रकम का सन्दाय करेगा।

8. सामूहिक बीमा स्कीम के उपबन्धों में कोई भी संशोधन, प्रादेशिक भविष्य निधि आयुक्त, गुजरात के पूर्व अनुमोदन के बिना नहीं किया जाएगा और जहाँ किसी संशोधन से कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ने की संभावना हो वहाँ, प्रादेशिक भविष्य निधि आयुक्त, अपना अनुमोदन देने से पूर्व कर्मचारियों को अपना दृष्टिकोण स्पष्ट करने का युक्तियुक्त अवसर देगा।

9. यदि किसी कारणवश, स्थापन के कर्मचारी भारतीय, जीवन बीमा निगम की उस सामूहिक बीमा स्कीम के, जिसे स्थापन पहले अपना चुका है अधीन नहीं रह जाते हैं, या इस स्कीम के अधीन कर्मचारियों को प्राप्त होने वाले फायदे किसी रीति से कम हो जाते हैं, तो यह रद्द की जा सकती है।

10. यदि किसी कारणवश, नियोजक उस नियत तारीख के भीतर, जो भारतीय जीवन बीमा निगम नियत करे,

प्रीमियम का संदाय करने में असफल रहता है, और पारिसी को व्ययगत हो जाने दिया जाता है तो, छूट रद्द की जा सकती है।

11. नियोजक द्वारा प्रीमियम के संदाय में किए गए किसी व्यवस्था की दशा में, उन मृत सदस्यों के नामनिर्देशनियों या विधिवक वारिसों को जो यदि यह छूट न दी गई होती तो उक्त स्कीम के अन्तर्गत होते, बीमा फायदों के संदाय का उत्तरदायित्व नियोजक पर होगा।

12. उक्त स्थापन के संबंध में नियोजक, इस स्कीम के अधीन आने वाले किसी सदस्य की मृत्यु होने पर उसके हक्दार नामनिर्देशनियों/विधिवक वारिसों को बीमायुक्त रकम का संदाय तत्परता से और प्रत्येक दशा में भारतीय जीवन बीमा निगम में बीमाकृत रकम प्राप्त होने के सात दिन के भीतर सुनिश्चित करेगा।

[संख्या एस-35014/71/80-पी. एफ. 2]

ए० के० भट्टराई, अवर सचिव

New Delhi, the 17 November, 1983

S.O. 4418.—Whereas Messrs Mahendra Mills Limited, Kalol, North Gujarat, (hereinafter referred to as the said establishment) have applied for exemption under sub-section (2A) of section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act (19 of 1952) (hereinafter referred to as the said Act);

And Whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Corporation of India in the nature of Life Insurance which are more favourable to such employees than the benefits admissible under the Employees Deposit-Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, Therefore, in exercise of the powers conferred by sub-section (2A) of section 17 of the said Act and subject to the conditions specified in the Schedule, annexed hereto, the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme for a period of three years.

SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner, Ahmedabad, maintain such accounts and provide such facilities for inspection, as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of section 17 of the said Act, within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts, submission of returns, payment of insurance premia, transfer of accounts, payment of inspection charges etc. shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishment, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, alongwith a translation of the salient features thereof, in the language of the majority of the employees.

5. Whereas an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment exempted under the said Act, is employed in his establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced, so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the amount payable under this scheme be less than the amount that would be payable had employee been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme shall be made without the prior approval of the Regional Provident Fund Commissioner, Ahmedabad and where any amendment is likely to affect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the said establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the said establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium etc. within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any made by the employer in payment of premium the responsibility for payment of assurance benefits to the nominees or the legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption, shall be that of the employer.

12. Upon the death of the member covered under the Scheme the employer in relation to the said establishment shall ensure prompt payment of the sum assured to the nominee/legal heirs entitled for it and in any case within 7 days of the receipt of the sum assured from the Life Insurance Corporation of India.

[No. S. 35014 (71)/83-PF-II]

A. K. BHATTARAI, Under Secy.

New Delhi, the 19th November, 1983

S.O. 4419.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta in the industrial dispute between the employers in relation to the management of Bolani Ores Mines of Durgapur Steel Plant of SAIL, Bolani and their workmen, which was received by the Central Government on the 7th November, 1983.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

Reference No. 35 of 1983

PARTIES :

Employers in relation to the management of Bolani Ores Mine of Durgapur Steel Plant of SAIL, Bolani

AND

Their workmen.

PRESENT :

Mr. Justice M. P. Singh.—Presiding Officer.

APPEARANCE :

On behalf of Employers.—Mr. S. K. Dutta, Advocate.
On behalf of Workmen.—Absent.

STATE : Orissa

INDUSTRY : Ore Mine.

AWARD

By Order No. L-26011/1/82/D.III(B) dated 11 May 1983 the Ministry of Labour & Rehabilitation in the Government of India sent the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Bolani Ores Mines of M/s. Durgapur Steel Plant of SAIL in terminating the services of Sh. Paresh Rajbhar, a Hand Miner of Bolani Ore Mines w.e.f. 12-8-81 is justified ? If not, to what relief the workman is entitled to ?"

2. Sri S. K. Dutta, Advocate with Sri S. K. Mukherjee, Deputy Manager (Personnel) appearing for the management state that the concerned workman Paresh Rajbhar has already been allowed to join his job with effect from 23 November 1982 after his acquittal on 19 October 1982 in the criminal case. It appears that Paresh Rajbhar had been absent from duty from 19 June, 1981 because of his arrest by the Police in a criminal case. As he was ultimately acquitted, he was reinstated. The management filed a petition on 25 August 1983 stating that nothing now remains to be adjudicated upon in view of the reinstatement of the concerned workman and that a "No dispute" award may be passed. Sri B. Mandy appearing for the Union first agreed to it but after the management left the court he informed this Tribunal that he will reconsider this matter. Accordingly the case was ordered to be put up on 30th September, 1983. On that day Sri S. K. Dutta, Advocate for the management again argued that a no dispute award may be passed in view of the fact that the concerned workman had been reinstated and there was no question now of giving any relief to him. The petition for adjournment which he had filed earlier was not pressed. He rather argued the case. Nobody appeared for the Union. No settlement has been filed. The management was heard ex-parte and award was reserved.

3. I think that in view of the circumstances of the case it is reasonable to infer that the union is not now interested in pursuing the dispute and hence a "No dispute" award should be passed. Accordingly I pass a "No dispute" award in the matter.

Dated, Calcutta,

The 29th October, 1983

M. P. SINGH, Presiding Officer.

[No. L-26011(1)/82-D. III(B)]

NAND LAL, Under Secy.

New Delhi, the 18th November, 1983

S.C. 4420.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Ranipur Colliery of M/s. Eastern Coalfields Limited, Post Office Neutoria, District Purulia in their workmen, which was received by the Central Government on the 11th November, 1983.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
CALCUTTA

Reference No. 77 of 1982

PARTIES :

Employers in relation to the management of Ranipur Colliery of Messrs Eastern Coalfields Ltd.

AND

Their Workmen.

PRESENT

Mr. M. P. Singh—Presiding Officer.

APPEARANCES :

On behalf of Employers—Mr. B. N. Lala, Advocate.
On behalf of Workmen—Absent.

STATE : West Bengal

INDUSTRY : Coal

AWARD

The Government of India, Ministry of Labour and Rehabilitation by their Order No. L-19012(138)/82-D.IV(B) dated 9th December 1982 referred the following dispute to this Tribunal for adjudication :—

"Whether the action of the management of Ranipur Colliery of Messrs Eastern Coalfields Ltd. Post Office Neutoria, District Purulia in superannuating Shri Kamal Banerjee, Pump Khalasi w.e.f. 1-7-82 is justified ? If not, to what relief the workman is entitled to ?"

2. It is clear from the terms of reference that the actual dispute relates to the age of superannuation of the concerned workman Kamal Banerjee. He was superannuated with effect from 1 July 1982. From the conciliation proceedings it seems that it was admitted on behalf of the concerned workman that he was born in 1922. As per circular of the Government Company of the year 1976 an employee in such a situation retires in the middle of the year. In this case on specific date or month of the year of birth is given. So he was made to retire from 1st July, 1982. The only contention of the Union was that he should have been kept in service upto the end of 1982. In this case several dates were fixed. Neither the Union nor the concerned workman appeared on the following dates : 26 April 1983, 27 May 1983, 7 July 1983, 10 August 1983, 14 September 1982 and to-day, namely 1st November 1983. As order has already been passed by this Tribunal on 14 September 1983 that the case would be heard ex-parte if the Union does not appear on the next day, so the case has been heard ex-parte to-day.

3. Sri B. N. Lala, Advocate appearing on behalf of the colliery Management has submitted that the union has not filed any written statement. He further points out that Kamal Banerjee has already received his Provident Fund money as well as gratuity. It is also said that he has vacated the quarter which had been allotted to him. He therefore argues that in view of these circumstances it should be held that the union has no interest in the dispute. I agree with this contention. I have already pointed out above that neither the union nor the concerned workman has appeared on several dates. The only reasonable inference that can be drawn in such circumstances is that the workman is no longer interested in the dispute. I am therefore inclined to pass a "No dispute" award as prayed for on behalf of the management.

Accordingly I pass a "No dispute" Award.

Dated, Calcutta,

1st November, 1983.

M. P. SINGH, Presiding Officer

[No. L-19012(138)/82-D.IV(B)]

New Delhi, the 19th November, 1983

S.O. 4421.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Belbaid Colliery of Messrs Eastern Coalfields Limited, Post Office Topsy, District Burdwan (WB) and their workmen, which was received by the Central Government on the 11th November, 1983.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
CALCUTTA

Reference No. 17 of 1983

PARTIES :

Employers in relation to the management of Belbaid Colliery of M/s. E.C.L.

AND

Their Workmen.

PRESENT :

Mr. Justice M. P. Singh—Presiding Officer.

APPEARANCES :

On behalf of Employers—Mr. J. R. Singh, Deputy Personnel Manager.

On behalf of Workmen—Absent.

STATE : West Bengal INDUSTRY : Coal Mines

AWARD

By Order No. L-19012/176/82-D.IV(B) dated 4th March 1983 the Government of India, Ministry of Labour, and rehabilitation referred the following dispute to this Tribunal for adjudication :—

"Whether the action of the management of Belbaid Colliery of ECL, P.O. Topsi, Dist. Burdwan (WB) in dismissing Shri Raman Majhi, Wagon Loader of Belbaid Colliery from service w.e.f. 30-12-76, is justified? If not, to what relief the workman is entitled?"

2. When the case was taken up for hearing to-day Mr. J. R. Singh, Deputy Personnel Manager appeared on behalf of the Employers, but nobody appeared on behalf of the Union. Sri Singh submits that the case has been settled between the parties on terms embodied in the compromise petition and files the same and prays for an award in terms of the compromise. I have gone through the terms and I find them fair and reasonable and I accept the same. In the result, an Award is passed in terms of the compromise which form part of this Award as Annexure "A".

Dated, Calcutta,
The 1st November, 1983.

M. P. SINGH, Presiding Officer
(No. L-19012(176)/82-D.IV(B)/Vol. II)

ANNEXURE 'A'

BEFORE THE HONOURABLE PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
CALCUTTA

Reference No. 17/83

PARTIES :

Employers in the relation of Management of Belbaid Colliery.

AND

Their workman represented by General Secretary C.M.U. (INTUC).

The employers and the workmen jointly beg to submit :—

1. that after mutual discussion held between the parties they have agreed to settle the dispute which is the subject matter of above Reference on the following terms :—

- (a) that without admitting the correctness or otherwise of the allegation made by the workman the employer will reinstate the concerned workman Sri Raman Majhi in his employment.
- (b) that the workmen/concerned workman will not be able to claim any arrear wages, Bonus and other dues for the period of his non employment with effect from 20-12-76 upto the date of his re-instatement and the entire period aforesaid will be treated as if the workman was on leave without wages
- (c) that the concerned workman will get the benefit of continuity of service for the aforesaid period of his non employment for purposes of gratuity.
- (d) that the aforesaid terms have been accepted by the workmen/concerned workman will not be able

to raise any further dispute or to make any further claim in respect of the matter referred to the honourable Tribunal for adjudication.

- (e) that the employers undertakes to reinstate the concerned workman in his former job at the establishment within 15 days from the date of settlement.

2. The parties jointly pray that for maintain industrial peace and harmony in the establishment the honourable tribunal will be pleased to pass necessary order according its approval for settlement of disputes in question in terms mentioning in this petition and to pass a award accordingly by treating this petition as part thereof. Parties will bear their respective cost.

Dated :

Encl :

For workmen Concerned workman For Employers

(C. S. Banerjee).

General Secy.

J. R. Singh, Dy. PM

Barun Banerjee,

Branch Secy.

I.T.I. of Raman Manjhi.

Witnesses :—

M. P. Singh, Agent
Toposi/Belbaid.

1.

2.

New Delhi, the 21st November, 1983

S.O. 4422.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Girmint Colliery of Messrs Eastern Coalfields Limited, Post Office Charampur (Burdwan) and their workmen, which was received by the Central Government on the 15th November, 1983.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
CALCUTTA

Reference No. 76 of 1982

PARTIES :

Employers in relation to the management of Girmint Colliery of Messrs Eastern Coalfields Ltd.

AND

Their Workmen.

PRESENT :

Mr. Justice M. P. Singh—Presiding Officer.

APPEARANCES :

On before of Employers—Mr. M. N. Kar, Advocate.

On behalf of Workmen—Absent.

STATE : West Bengal

INDUSTRY : Coal

AWARD

By Order No. L-19012(133)/82-D.IB(B) dated 7th December, 1982 the Government of India, Ministry of Labour and Rehabilitation sent the following dispute to this Tribunal for adjudication :—

"Whether the action of the Agent, Girmint Colliery, Messrs Eastern Coalfields Limited, Post Office Charanpur (Burdwan) in superannuating Shri Sheo Mondal Keot with effect from 1-7-82 is justified? If not, to what relief the workman is entitled?"

2. As the union did not appear in spite of notices the case has been heard ex-parte as per order dated 17 August 1983 passed by this Tribunal. The colliery management has examined Sri Ram Narayan Ganguly, Personnel Officer as MW-1 who has proved the relevant documents in this case. The only question which arises to be determined is as to whether the year of birth of Sheo Mongal Keot as mentioned in the papers of the management is correct and whether he was rightly superannuated with effect from 1 July 1982.

3. Ext. M-1 is the B form register of present colliery management. The year of birth of the concerned workman Sheo Mongal Keot is written here at page 85 in Serial number 2442. He had put his thumb impression here. This

entry is supported by the Service card issued to the concerned workman on 15 July 1957 by the old company, namely, Bengal Coal Co. Ltd. with photograph of the workman which is Ext. M-3. There also his year of birth is shown as 1922. I have looked to the entries in these two important documents and there is nothing to suspect. The entries are clear and convincing. I believe them and hold them as correct. As per circular of the company dated 6th October, 1976 (Ext. M-4) if no specific date of birth is mentioned and only the year of birth is mentioned then in that case due date of retirement will commence from 1st July of the relevant year on completion of the retirement age i.e. after 60 years. In this case the year of birth is 1922 and the superannuation was with effect from 1st July 1982. Therefore the circular was complied with.

4. In the above circumstances I hold that the concerned workman Sheo Mongal Keot was rightly superannuated with effect from 1 July, 1982.

This is my award.

Dated, Calcutta,

The 8th November, 1983.

M. P. SINGH, Presiding Officer
[No. L-19012(133)/82-D.IV(B)]

New Delhi, the 22nd November, 1983

S.O. 4423.—In pursuance of section 17 of the Industrial Disputes Act 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Jabalpur (MP), in the industrial dispute between the employers in relation to the management of Western Coalfields Limited, Kanhan Area, in relation to their Rakhikol Colliery and their workmen, which was received by the Central Government on the 17th November, 1983.

BEFORE JUSTICE SHRI K. K. DUBE, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-1 LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)/(28)/1980

PARTIES :

Employers in relation to the management of Western Coalfields Limited, Kanhan Area and their workmen represented by the Union, B.K.K.M. Sangh (H.M.S.) Chandametta, District Chhindwara (M.P.)

APPEARANCES :

For Management—Shri P. S. Nair, Advocate.

For Workmen—Shri S. P. Singh, Union representative.

INDUSTRY : Coal DISTRICT : Chhindwara (M.P.)

AWARD

Dated, the 11th November, 1983

This is a reference made by the Government of India in the Ministry of Labour vide its Order No. L-22012(49)/79-D IV(B) dated 8th May, 1980, for the adjudication of the following dispute :—

“Whether the action of the management of Western Coalfields Limited, Kanhan Area in relation to their Rakhikol Colliery in terminating the services of Shri Jugar S/o Jungal and 84 other workmen of Rakhikol Colliery (particulars given in the Annexure) is justified? If not, to what relief are the concerned workmen entitled?”

ANNEXURE

1. Shri Jugar S/o Jungal
2. Shri Kuwarsa S/o Sukram
3. Shri Krishna S/o Sheshrao
4. Shri Ramesh Chaiti S/ V. R. Chaiti
5. Shri Jagar S/o Jungal
6. Shri Manohar S/o Hora
7. Shri Rangilal S/o Kija
8. Shri Amarlal S/o Nanha Singh
9. Shri Chintu S/o Dhurnu
10. Shri Hemraj S/o Mangal
11. Shri Sumarlal S/o Sadhu

12. Shri Shrival S/o Ramlal
13. Shri Ajiduddin S/o Jamal
14. Shri Ramshankar S/o Miyaji
15. Shri Teji Lal S/o Bhikari
16. Shri Chandrajith S/o Lacchi
17. Shri Gilabao Chaitram
18. Shri Mustafa Khan S/o Miya
19. Shri Nandkishore S/o Keoji
20. Shri Bhola Prasad S/o Baboo
21. Shri Arjun S/o Chaitram
22. Shri Ram Prasad S/o Kishori
23. Shri Lakshminarayan S/o Raghuvir
24. Shri Ajibulla S/o Riyasar
25. Shri Bhimrao S/o Bhool Singh
26. Shri Bhikari S/o Gorey
27. Shri Tularam S/o Amarali
28. Shri Shanmughan S/o Panikar
29. Shri Ramshankar S/o Nathu
30. Shri Ramkripal S/o Chinka
31. Shri Mangal S/o Suddir
32. Shri Ram Murthy S/o Dularey
33. Shri Shankarlal S/o Himath
34. Shri V. K. Thomas S/o T. Thomas
35. Shri Shankarlal S/o Ghudan
36. Md. Moin S/o Md. Nain
37. Shri Shyanlala S/o Piroo
38. Shri Diwan S/o Kishan
39. Shri Kunji S/o Kishan
40. Shri Mehango S/o Rewa
41. Shri Bishram S/o Juggan
42. Shri Durga S/o Kashiram
43. Shri Jugar Singh S/o Gardoo
44. Shri Sukram S/o Sannoo
45. Shri Ismail Khan S/o Mohd. Khan
46. Shri Dalsingh S/o Jagru
47. Shri Sundar S/o Jageshwar
48. Shri Kiahari S/o Bhursiram
49. Shri Ram Kumar S/o Ramkishan
50. Shri Ramawad S/o Kaldu
51. Shri Kayamuddin S/o Niyauddin
52. Shri Amarsingh S/o Doma
53. Shri Najar Singh S/o Gandeey
54. Shri Sukhman S/o Brijlal
55. Shri Sukhlal S/o Bikhram
56. Shri Surju S/o Balsingh
57. Shri Shivshankar S/o Buldiya
58. Shri Gulab S/o Burioo
59. Shri Manji S/o Dulli
60. Shri Jumnilal S/o Imrat
61. Shri Brijlal S/o Prem
62. Shri Manker S/o Kunji
63. Shri Rameshwar S/o Gulgori
64. Shri Santoo S/o Hari
65. Shri Budoo S/o Chotoo
66. Shri Ramlal S/o Mansingh
67. Shri Kuber S/o Anku
68. Shri Salim Hamid
69. Shri Kailash S/o Ramlal
70. Shri Baburao S/o Hiralal
71. Shri Dadurao S/o Hiralal
72. Shri Imrat S/o Basodi
73. Shri Puran S/o Soma
74. Shri Krishna S/o Dhanoolal
75. Shri Sumarlal S/o Jhanak
76. Shri Shivcharan S/o Sahehlal
77. Shri Deewan S/o Bhiyalal
78. Shri Parsram S/o Jitta
79. Shri Tumman S/o Kasa Mohd.
80. Shri Shiv Prasad S/o Ramawatar
81. Shri Ramprasad S/o Babulal
82. Shri Kalloo S/o Shivpal
83. Shri Inahbuddin S/o Assin
84. Shri Rasul S/o Ahaman.

2. Before me a settlement has been filed which is duly signed by the management's representative and the Union's representative. Both parties agree that an award be made in terms of the settlement. I, therefore, pass the following award :—

The parties at Serial Nos. 7, 14, 77, 78 and 81 whose names are Rangilal S/o Kija, Rama Shankar S/o Bhivji, Jiwan S/o Bhaiya Lal, Prasram S/o Jita and Ram Prasad S/o Babulal respectively shall be taken back on duty in the piece rated job as before provided they have reported on

duty before 10-10-1983. We are now informed that all the persons had reported for work. However, Ramashankar S/o Bhivji was not directed to join the duty as in the Annexure to the reference there appears to be some mistake in his name. Whereas in the settlement at item No. 14 the name indicated is Rama Shankar S/o Miyaji. His real name is Rama Shankar S/o Bhivji. This appears to be a slip and the management is directed that Rama Shankar S/o Bhivji be taken on work. As already stated he had reported on work before 10-10-1983. This would conclude all the disputes between the parties including any issue as to the back wages etc. It would be seen that out of the 84 persons these five persons with respect to whom the order is passed today, all other persons had already been taken on duty. Therefore as regards the other persons the question of taking them on duty does not arise.

3. The Union agrees to make every effort to see that the members engage themselves in increasing the production and cooperating with the management in view of this settlement. The management on their part would reciprocate and will extend the cooperation to the Union and its workers in attending to their reasonable demands and shall be willing to discuss and settle all such reasonable demands permissible within the rules. This settlement be now given effect to.

There shall be no order as to costs.

K. K. DUBE, Presiding Officer

[No. 1-22012(49)/83-D.IV(B)]

S. S. MEHTA, Desk Officer

New Delhi, the 21st November, 1983

S.O. 4424.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Chandigarh in the industrial dispute between the employers in relation to the management of the Cantonment Board, Ambala and their workmen, which was received by the Central Government on 7th November, 1983.

BEFORE SHRI I.P. VASISHTH, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH.

Case No. I.D. No. 125/83-86/80

PARTIES :

Employer in relation to the management of Cantonment Board Ambala Cantt. (Haryana)

AND

Prem Singh Bhatti.

APPEARANCES :

For the Employer : Shri S.C. Bhatnagar.

For the Workman : Shri Rajeshwar Nath.

INDUSTRY—Cantonment Board Ambala STATE—Haryana

AWARD

Dated the 31st of October, 1983

The Central Govt. Ministry of Labour, in exercise of the powers conferred on them under Section 10(i)(d) of the Industrial Disputes Act, 1947, herein referred to as the Act, vide their Order No. L-13012(6)/77-D.II.B, dated 12th August, 1980 read with S.O. No. S-11025(2)/83 dated the 8th June, 1983 referred the following Industrial Dispute to this Tribunal for adjudication :

Whether the action of the management of the Cantonment Board, Ambala, in terminating the services of Shri Prem Singh Bhatti, Garden Supervisor, w.e.f. 30-7-1977 is justified? If not, to what relief is the workman entitled?

2. To trace a short history of the matter, the petitioner/workman Prem Singh Bhatti was appointed as a Garden Supervisor under the respondent/Board in the scale of Rs. 80-160

per month with the benefit of 3 advance increments w.e.f. 9-10-1967. According to the petitioner/Workman he had put in a continuous unblemished service of almost 10 years when his services were illegally terminated on 29-7-1977 without payment of any retrenchment compensation. It was averred that the petitioner was drawing a gross monthly salary of Rs. 421.50 Paise at that time. He therefore raised an Industrial dispute which could not be settled amicably in spite of the intervention of the A.L.C.(C) concerned and hence the Reference.

3. Resisting the Workman's claim the respondent-Board admitted having employed him as propounded by the latter but denied that he was taken on permanent strength or had put in the alleged continuous length of service. It was projected that actually the petitioner was appointed temporarily for 3 years w.e.f. 9-10-1967 and that after the expiry of the stipulated period he was retained in service with irregular breaks till they found that his services were no longer required by them. Accordingly, they disengaged him w.e.f. 29-7-1977 after paying him one Month's salary in lieu of the notice envisaged under Cantonment Fund Servants Rules 1937. It was further revealed that in July, 1980, they made earnest efforts to pay him the retrenchment compensation on amounting to Rs. 2107.50 through a cheque sent under Registered cover but the Workman avoided to receive it.

4. Since the respective pleas of the parties appeared to have been fully covered under the terms of reference, therefore, my learned predecessor called upon them to adduce their evidence. However, both the parties felt contented on filling a number of documents whose authenticity was mutually conceded by them.

5. Be that as it may, on a careful scrutiny of the entire material on records and hearing the parties, I do not feel inclined to sustain the impugned termination of the petitioner. The pertinent point is that according to the common case of the parties the said termination took place on 29-7-1977 whereas the retrenchment compensation was offered by the respondent/Board for the first time on 18-7-1980 i.e. after a lapse of almost 3 years.

6. In the case of R. Sankaran Vs. Addl. Labour Court 1977 Lab. I.C. 1338 the effected Workman was offered the retrenchment compensation on the same day through a cheque but after the close of the Banking hours. (emphasis supplied) The tender was held to be invalid by the High Court. Similarly in the matter of B.M. Gupta Vs. State of West Bengal 1979-Lab. I.C. 499 it was held that any subsequent payment of compensation could not validate the illegality in termination resulting from the non-payment of retrenchment compensation.

7. If I am permitted to say, the ratio of both these cases finds an echo and element of authoritative approval in the case of Mohan Lal Vs. Management of M/s Bharat Electronics Ltd. 1981 (2) Services Law Reporter 11 (S.C.) wherein it was held that the niceties and semantics apart, termination by the employer of the services of the workman for any reason what-so-ever would constitute retrenchment except in the cases exempted by the Section itself. And when we go in for a cumulative study of Sections 2(00) and 25-F of the Act we can not resist the inference that the petitioner/Workman was in "continuous-employment" of the respondent/Board in spite of the fact that after 9-10-1977 there were some small punctuations in the sense that the length of service was being extended from time to time under different Orders.

8. The contention of the respondent/Board that the petitioner/Workman was initially appointed for a fixed period of 3 years is not borne out from document whatsoever. On the other hand a bare perusal of clause 2 and 3 of the Appointment Order dated 20-9-1967 would take the very sting out of its case since they read as below :

"(2) You are offered the appointment of Garden Supervisor Cantonment Board Ambala in the Scale of Rs. 80-4-100-5-130 EB-6-160. You will be recommended for three advance increments. Besides, you will be entitled in Dearness Allowance (Rs. 40+Rs. 47) at State Government rates and House Rent Allowance @ 7-1/2 per cent.

(3) The post is for the time being temporary but is likely become permanent."

9. To me it appears that there was a sort of understanding between the parties to absorb the petitioner/Workman on permanent basis, of course after observing his performance for some time; and the 3 advance increments were given to him either by way of an incentive to show better results or it could be because of his pleading antecedents and credentials. It may not be out of context to record here that there had been no complaint against the work and conduct of the petitioner/Workman and that is how that on respondents own showing his termination was not in the nature of any punishment.

10. Shri Bhatnagar, the learned counsel for the respondent/Board, with reference to resolution No. 31 dated 16-10-1979 submitted that actually the Cantt. Board had recommended the reinstatement of the petitioner Workman in view of his persistent entreaties and application dated 16-10-1979 but the Hq. Western Command, when approached under Section 47 of the Cantt. Account Code, declined the requisite permission because it was found that he was holding a fixed-tenure post on absolutely temporary basis and that was how that there was no Budget provision for him.

11. In my considered opinion, the way of thinking and manner of approach adopted by the Hq. Western Command could not seal the fate of the petitioner/Workman in so far as the question of his legal rights was concerned. To be precise, the petitioner Workman could not be debarred from agitating the matter and seeking its adjudication in the proceedings before this Tribunal simply because the Hq. Western Command thought it otherwise.

12. Thus to sum up my aforesaid discussion find no legal warrant for the action of the respt./Board in terminating the services of the petitioner Workman under the impugned Order and hence, pass my Award accordingly in his favour with the direction that he shall be deemed to be in their continuous service as a Garden Supervisor with all the attendant benefits.

I. P. VASISHTH, Presiding Officer.

[No. L-13012(6)/77-D. II (B)]

S.O. 4425.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Chandigarh, in the industrial dispute between the employers in relation to the management of Bhakra Beas Management Board and their workmen, which was received by the Central Government on 7th November, 1983

BEFORE SHRI I.P. VASISHTH, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH

Case No. I.D. 79/83/ 14 of 1980

PARTIES :

Employers in relation to the management of Bhakra Beas Management Board, Nangal Township. (Punjab).

AND

The employees Bhajan Lal and Ramji Dass.

APPEARANCES :

For the Employer—Shri R. I. Kaith with Shri Prayag Raj.

For the Workmen—Shri R. K. Singh.

INDUSTRY : Bhakra Beas Management Board STATE:
Punjab.

AWARD

Dated the 31st of October, 1983

The Central Government, Ministry of Labour, in exercise of the powers conferred on them under Section 10(i)(d) of the Industrial Disputes Act, 1947, herein referred to as the Act. Vide their Order No. L-42012(36)79.D.II(B) dated the 25th March 1980 read with S.O. No. S-11025(2)/83 dated the 8th June, 1983 referred to the following Industrial dispute to this Tribunal for adjudication.

1042 GI/83—7

“Whether the action of the management of Bhakra Beas Management Board, Nangal Township, District Ropar is justified, firstly in terminating the services of S/Shri Bhajan Lal and Ramji Dass, ex-skilled mazdoor with effect from 1-8-76 and 2-8-76 respectively and then not taking them back in service as T. Mates which is higher grade than the skilled mazdoor with continuity of service and payment of back wages keeping in view Memorandum dated 12-10-76 filed by the Assistant Labour Commissioner (Central), Chandigarh. If not, to what relief the workmen are entitled to ?”

2. Petitioner Bhajan Lal was appointed as a Skilled Mazdoor in the Power Wing of the respondent/Board in the year 1972, whereas his ex-petitioner Ramji Dass took up a similar job under the same Employer in May, 1975 and both of them continued serving in the same capacity upto 31-7-1976 and 1-8-1976 respectively. It was averred that there was no interruption in their services which they were rendering quite satisfactory. However w.e.f. 1-8-1976 the service of Bhajan Lal was terminated without any notice or payment of retrenchment compensation and similarly the service of his co-petitioner Ramji Dass was also terminated w.e.f. 2-8-1976 in gross violation of the mandatory provisions of Section 25-F(a) and (b) of the Act.

3. According to them they were neither charge-sheeted nor subjected to say departmental enquiry, and the action of the Respt./Board was a glaring case of unfair Labour practice besides infringing upon the letter and spirit of Section 25-G of the Act. They, therefore, raised an Industrial Dispute which was settled in the conciliation proceedings before the Asstt. Labour Commissioner (C) Chandigarh; so much so that an agreement was also executed between the parties on 12-10-76 with the stipulation that both the Workmen shall be absorbed in employment by the Respt./Board as T. Mates within a week and the period of their unemployment (after the impugned retrenchments) shall be regularised by grant of the kind of leave due so as to avoid any apprehension of a break in service. The parties were to report the implementation of the Agreement to the A.L.C.(C) by 15th of November, 1976 failing which it was deemed to have been implemented

4. It was complained that the respondent/Board did not honour the aforesaid agreement, and therefore, they initiated proceedings for the recovery of their salary under Section 33-C(2) of the Act by moving the Central Govt. Labour Court Jalandhar. In the ensuing proceedings, the resndt./Board raised a legal objection against the validity of Agreement by alleging that it was not signed by the workmen and that in view of Rule 58 framed by the Central Govt. under the Act, the attestation of their authorised representative was not sufficient. Accordingly, the Labour Court dismissed the proceedings, but recorded an advice to the Board to see reason and honour the Agreement to avoid further litigation

5. However the only mercy shown by the Resndt./Board was by way of giving them fresh employment on daily wages which itself proved short lived as the Board again issued them notices expiring on 28-2-1978, thus dispensing with their services even though no retrenchment compensation was offered. They, therefore, again raised an Industrial dispute which could not be settled amicably and hence the Reference

6. The Workmen prayed, for declaration that their retrenchment/termination of services at both the stages was illegal and void ab initio and that they were entitled for remuneration and all other benefits of their continuous service.

7. Resisting the claim of the petitioner/Workmen on all counts, the respondent/Board questioned the maintainability of the proceedings with the averment that the Reference was incompetent and bad in the eyes of law, because the Chairman of the Bhakra Beas Management Board was not their Employer and that the dispute was not properly espoused. All the same, the petitioners employment and termination of their services under the impugned notices was admitted. Elaborating its case the respondent/Board revealed that both the workmen were employed for specific work, on the completion of which their services automatically came to an end. The settlement dated 12-10-1976 before the A.L.C.(C) Chandigarh was admitted with the reservation that it was invalid for want of personal attestation by the workmen but even then behaving as a good Employer, the Board re-employed them as daily wages Skilled Labourers, w.e.f. 14-10-1976 till they were disengaged on 28-2-1978 due to surplus age; that, they were

again offered similar jobs which they refused to accept under some wrong notion and that was how that at one stage even the appropriate Govt. had also declined to refer the dispute to the Tribunal.

8. On the point of retrenchment-compensation the Board alleged that it was duly offered but declined by the Workmen without any sufficient cause or just reason. The litigation before the Labour Court Jalandhar, and its observations in the resultant judgment were admitted but the petitioners' entitlement to any relief in the instant proceedings was questioned in all seriousness.

9. My learned predecessor took the parties to trial on following issues arising from their pleading:—

1. Whether the dispute has been properly espoused?
2. Whether the reference is bad for the grounds alleged in para No. 1 of the written statement?
3. As in order of reference.

10. In support of their case the petitioner/workmen filed their own affidavits alongwith the documents Exbts. W/2 to 4 and W/9 to 13, whereas the respondent/Board relied on the affidavits of its Section Officer Gurmit Singh and X.E.N. Gurjanak Singh besides filing a few documents which were common to the parties.

11. I have carefully perused the entire material on records and heard the parties at length. In all fairness to Shri Kaith, he did not press the preliminary objections resulting in the framing of issues Nos. 1 and 2. In other words, inspite of the routine type of averments and reservations it was not denied that the dispute was properly raised, espoused and referred by the appropriate person and Authority. Accordingly, I would like to concentrate myself on the crucial issue containing the terms of reference.

12. It may be interesting to note that the continuous discharge of services by the petitioner under the respondent/Board for a period of more than 240 days in the year immediately proceeding their first terminations on 28-2-1976 were neither denied in the written statement nor refuted in the affidavits of Gurmit Singh or Gurjanak Singh filed on behalf of the respondent/Board; and it had never been the case of the respondent/Board that the terminations were effected as a measure of punishment by way of disciplinary action or were covered under any of the proviso to Section 2(oo) of the Act.

13. The natural consequence would, therefore, be that the petitioners' services could not be terminated without compliance of the mandatory provisions of clauses (a) and (b) of Section 25-F. Probably, that was the reason as to how the respondent/Board realised the hollowness of its cause and entered into the Settlement dated 12-10-1976 before the A.I.C. (C) Chandigarh wherein a categorical undertaking was given by it to absorb both the petitioner/Workmen, within a week, against the post of T. Mates as it carried a pay scale equivalent to the post earlier manned by them. Of course, this Agreement fell through on account of a technical defect but the Court can not lose sight of the fact that the petitioner/Workman were semi-illiterate rustic country folks whereas the interests of the Board were being looked after by highly qualified and trained persons. Otherwise too, the Board being an incarnation of a Public Undertaking was supposed to behave like a model litigant. But unfortunately, instead of honouring the action of its own representatives, it fell to the temptation of exploiting some legal technicalities to shut the doors of justice on the poor under dogs.

14. Be that as it may, since the initial retrenchment was void ab initio, as discussed above; therefore it could not be validated by offer of retrenchment compensation at a later stage in May 1978. It is besides the point that even this subsequent tender of compensation is not duly proved because the Respondt./Board would have us believe that it was remitted by Money-Order which was declined by the Workmen. In my considered opinion, had it been so, the Respdnt./Board could easily furnish the postal receipts and endorsements in support of its case. But it was not to be and the reason is not far difficult to seek.

15. A passing reference may also be had to the documents filed by the Respdnt./Board. Letters Exbts. MW1/1 and 2

indicate an offer of compensation to the workmen in June 1980 where as the letter Exbts MW1/3 and 4 were issued in July 1980 in the nature of reminders of the offer. At the risk of repetition it may be recorded that such an offer after the actual termination of services on 1-8-1976 in the case of Bhajan Lal and 2-8-1976 in the case of Ramji Dass, was meaningless. Similarly, the remaining two letters, Exbts. MW 1/5 and 6 issued on 24-1-1978 showing Board's intention to pay 'Your dues as per rules' are also quite irrelevant.

16. Thus to sum up my aforesaid scrutiny of the limited aspects of the issue raised before me on sustaining the claim of both the petitioner/Workmen Bhajan Lal and Ramji Dass, I hold that the action of the respondent/Bhakra Beas Management Board Nangal Township in terminating their services, w.e.f. 1-8-1976 and 2-8-1976 respectively, had no justification in the eyes of law. And as a natural consequence thereof it would be presumed that they continue to hold their jobs upto date with all the attendant benefits.

17. Accordingly, I pass my award in favour of the petitioner/Workmen and against the respondent/Board.

31-10-1983.

I. P. VASISTH, Presiding Officer

[No. I-42012(36)/79 D II(B)]

T. B. SITARAMAN, Desk Officer

नई दिल्ली 19 अक्टूबर, 1983

आदेश

का०आ० 4426.—केन्द्रीय सरकार की यह राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषय के बारे में अविम मैरिन इंजीनियर्स प्राइवेट लिमिटेड, गांधीधाम के प्रबंधन से संबंधित एक औद्योगिक विवाद नियोजकों और उनके कर्मचारियों के बीच विद्यमान है ;

और केन्द्रीय सरकार उक्त विवाद को न्याय-निर्णयन के लिए निदेशित करना वांछनीय समझती है ;

अतः, अब केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7 क और धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री जी० एस० वरोट होंगे, जिनका मुख्यालय अहमदाबाद में होगा और उक्त विवाद को उक्त अधिकरण को न्याय निर्णयन के लिए निदेशित करती है।

अनुसूची

"क्या अविम मैरिन इंजीनियर्स प्राइवेट लिमिटेड, गांधीधाम के प्रबंधन की श्री अब्दुल मनफ, वैल्डर की सेवाएं समाप्त करने की कार्रवाई न्यायोचित है, यदि नष्टी तो सर्वाधिक कर्मचारी किम अनुतोष का हकदार है ?

[सं०एल० 37012/1/83-डी-4(ए)]

New Delhi, the 19th October, 1983

ORDER

S.O. 4426.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Avis Marine Engineers Private Limited, Gandhidham and their workman in respect of the matters specified in the schedule hereto annexed

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri G. S. Barot shall be the Presiding Officer, with headquarters at Ahmedabad and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

"Whether the action of the management of Avis Marine Engineers Private limited, Gandhidham in terminating the service of Shri Abdul Manaf, Welder is justified? If not, to what relief is the employee entitled?"

[No. L-37012/1/83-D.IV(A)]

नई दिल्ली, 19 नवंबर, 1983

आदेश

का० आ० 4427.—केन्द्रीय सरकार की यह राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषय के बारे में बैंक आफ कोचिन लिमिटेड, इर्नाकुलम के प्रबन्धतंत्र से संबंधित एक औद्योगिक विवाद नियोजकों और उनके कर्मचारियों के बीच विद्यमान है ;

और केन्द्रीय सरकार उक्त विवाद को न्याय निर्णयन के लिए निर्देशित करना वांछनीय समझती है ;

अतः, अब केन्द्रीय सरकार औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री टी० अरुलराज होंगे, जिनका मुख्यालय मद्रास में होगा और उक्त विवाद को उक्त अधिकरण को न्याय निर्णयन के लिए निर्देशित करती है ।

अनुसूची

"क्या बैंक आफ कोचिन लिमिटेड, इर्नाकुलम के प्रबन्धतंत्र की अपनी मारायूर शाखा में श्री वी० पी० वारधीस संयुक्त अभिकर्ता की सेवाएं 16-9-82 से समाप्त करने की कार्रवाई न्यायोचित है यदि नहीं तो संबंधित कर्मकार किस अनुतोष का हकदार है ?

[संख्या एल-12012/14/83-डी4-ए]

ORDER

New Delhi, the 19th November, 1983

S.O. 4427.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Bank of Cochin Limited, Ernakulam and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by Section 7A, and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947) the Central

Government hereby constitutes an Industrial Tribunal of which Shri T. Atulraj shall be the Presiding Officer, with headquarters at Madras and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

"Whether the action of the management of Bank of Cochin Limited, Ernakulam, Cochin in relation to their Marayoor Branch in terminating the services of Shri V. P. Varghese, Collecting Agent with effect from 16-9-82 is justified? If not, to what relief is the workman concerned entitled?"

[No. L-12012/14/83-D.IV(A)]

आदेश

का० आ० 4428.—केन्द्रीय सरकार की यह राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषय के बारे में न्यू मंगलौर पत्तन न्यास, पनमबूर के प्रबन्धतंत्र से संबंधित एक औद्योगिक विवाद नियोजकों और उनके कर्मचारियों के बीच विद्यमान है ;

और केन्द्रीय सरकार उक्त विवाद को न्याय निर्णयन के लिए निर्देशित करना वांछनीय समझती है ;

अतः, अब केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री वी० एच० उपाध्याय होंगे जिसका मुख्यालय मंगलौर में होगा और उक्त विवाद को उक्त अधिकरण को न्याय निर्णयन के लिए निर्देशित करती है ।

अनुसूची

"क्या न्यू मंगलौर पत्तन न्यास के प्रबन्धतंत्र की न्यू० मंगलौर पत्तन न्यास में कार्य करने वाले सारंग के बेतनमान को तृतीकोरियन पत्तन न्यास में विद्यमान बेतनमानों के बराबर करने के लिए उनकी पुनरीक्षा करने से इंकार करने की कार्रवाई न्यायोचित है ? यदि नहीं तो उक्त कर्मकार जिस अनुतोष को हकदार है ?

[संख्या एल० 45011/4/82-डी-4 (ए)]

ORDER

New Delhi, the 19th November, 1983

S.O. 4428.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of New Mangalore Port Trust, Panambur and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by Section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri V. H. Upadhaya shall be the Presiding Officer, with headquarters at Bangalore and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

"Whether the action of the management of New Mangalore Port Trust in refusing to revise the pay scales of the Sarang working in New Mangalore Port

Trust on par with these existing in Tuticorin Port Trust, is justified? If not, to what relief the said workmen are entitled to and from what date?"

[No. L-45011(4)/82-D.IV(A)]

New Delhi, the 22nd November, 1983

S.O. 4429.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Madras in the industrial dispute between the employers in relation to the Madras Port Clearing and Forwarding Labour (Regulation of Employment) Scheme and their workmen, which was received by the Central Government on the 15th November, 1983.

BEFORE THIRU T. ARULRAJ, B.A., B.L., PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, TAMILNADU, MADRAS

(Constituted by the Government of India)

Monday, the 31st day of October, 1983

Industrial Dispute No. 26 of 1982

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the workmen and the Management of the Madras Port Clearing and Forwarding Labour (Regulation of Employment) Scheme, M.D.L.B. Buildings, North Beach Road, Madras-600001).

BETWEEN

The workmen represented by The General Secretary, Madras Port and Dock Workers Congress, 11-Phillips Street, Madras-600001.

AND

The Administrative Officer, The Madras Port Clearing and Forwarding Labour (Regulation of Employment) Scheme, M.D.L.B. Buildings, North Beach Road, Madras-600001).

REFERENCE :

Order No. L-33012/1/80/D-IVA/Vol. II, dated 21st May, 1982 of the Ministry of Labour, Government of India, New Delhi.

This dispute coming on for final hearing on Thursday, the 20th day of October, 1983 upon perusing the reference, claim and counter statements and all other material papers on record and upon hearing the arguments of Thiru N.G.R. Prasad for Thiruvalluvar Row and Raddy, Advocates for the workmen and of Thiru S. Ramasubramaniam, Partner, King and Partridge, Advocates for the Management, and this dispute having stood over till this day for consideration, this Tribunal made the following Award.

AWARD

This reference under Section 10(1)(d) of the Industrial Disputes Act, 1947 by the Government of India in Order No. L. 33012/1/80/D-IVA/Vol. II, dated 21st May, 1982 of the Ministry of Labour, is to adjudicate :

Whether the demand of the Madras Port & Dock Workers Congress regarding the employment of Shri M. Rajangam under the Madras Port Clearing & Forwarding Labour (Regulation of Employment) Scheme, Madras, as Maistry, taking into account the findings dated the 14th May, 1973 of the Appellate Authority, Madras is justified? If so, to what relief is the workman concerned entitled?

(2) According to the allegations in the claim statement, reply statement and reply to the rejoinder, Petitioner Sri M. Rajangam was working as Maistry in T. Suganesan & Company, who were licensed Custom House Clearing and Forwarding Agents and Importers and Exporters from 1967. In

order to ensure regularity of employment for Dock Clearing and Forwarding Labour, the Madras Port Clearing and Forwarding Labour (Regulation of Employment) Scheme was framed in the year 1969, by which the Clearing and Forwarding Agents including M/s. T. Suganesan & Co, were included in the listed employers under the Scheme. Maistries and Mazdoors who were already working under the listed employers applied to work under the above scheme through their employers and Sri Rajangam is one of them who applied for the same as Maistry. On consideration of all the relevant factors including the work experience supported by documents like photo pass, temporary pass, etc., the Scrutiny Committee selected Maistries and Mazdoors in the year 1971. Sri Rajangam also was selected as Maistry and identity card bearing No. 1023 dated 16th June, 1971 was also issued in his favour. It is not correct to say that identity card was issued by Shri Lakshminarayanan, office bearer of Clearing and Forwarding Agents Association. On the other hand, Shri K. J. Sitaraman, Secretary of Clearing and Forwarding Agents Association and Shri Janakiram, member of the Association have all issued identity cards. However, the name of Sri Rajangam was inadvertently omitted for appointment as Maistry when the Scheme started functioning from the year 1972. He appealed against the omission of his name. The Appellate Authority by order dated 14th May, 1973 included his name among others, but strangely enough, the Management instead of allotting the work of Maistry, asked him to do the work of Mazdoor. This was not correct. He ought to have been straightaway appointed as Maistry. It is true, the dispute raised by this Union, viz., Madras Port and Dock Workers Congress, Madras-1 was rejected earlier, but however, on reconsideration with the new material that has been supplied by the Petitioner on account of his being selected by the Appellate Authority, the Government has referred this dispute to this Court. Hence this court has jurisdiction to entertain the same. As he should have been appointed as a Maistry from 1972, when the Scheme started functioning, he is entitled to reinstatement as Maistry with back wages. Hence this dispute is raised.

(3) The Respondent, in its counter statement and rejoinder to reply statement, contends at the outset that this reference has to be rejected as invalid and improper. The Petitioner raised a dispute earlier on the same issue and the Government of India, Ministry of Labour by its communication dated 26th December, 1978 has refused to refer the dispute on merits for adjudication before this Tribunal. Hence this reference is unsustainable in law. There was a Tripartite Settlement between the Madras Customs Clearing and Shipping Agents Association and Madras Harbour Workers Union in the presence of the Regional Labour Commissioner, wherein it was agreed to bring all the casual Customs Clearing and Forwarding workers engaged in the clearing and forwarding work in the Madras Port under the decasualisation Scheme. Though originally, it was intended to restrict only to 531 members, due to pressure from the Unions and from employers, the number of identity cards issued to the workers swelled upto 2025. The identity cards were issued by Shri Lakshminarayanan, one of the office bearers of the Association on the information furnished by the employers and the workmen concerned. That itself cannot entitle a person to claim employment under the scheme. The issue of identity card is not an appointment or selection. A committee was constituted and interviewed the workers, in possession of identity cards issued by the said Sri Lakshminarayanan as stated above. The Petitioner did not report for the interview held by the said Scrutiny Committee. Therefore he was not considered by the Committee. Workmen, who did not report to the Scrutiny Committee, were given an opportunity to appeal to the appellate authority. Accordingly, the Petitioner appeared before him and he was selected among others as worker only. Among the selected, 12 workers had joined as Mazdoors and got included in the list of workers subsequently. The Petitioner Shri Rajangam was also asked to join as casual worker several times, but he did not care to join, on the ground that he should be given a post of Maistry or Supervisor. The Supervisor post is of staff cadre and he is not eligible for the same. Therefore, the claim of the Petitioner that he should be selected as Maistry has no basis. It is not true the workmen who were working under him are now working as Maistry. Even if it is true, it does not mean that he should also be appointed as Maistry in the Labour Pool while he has been selected only as worker. The Petitioner also will

not be entitled to be paid wages from 1972 as claimed by him. Under these circumstances, the Petitioner will not be entitled to any relief in this dispute.

(4) The points for determination in this case will be :

- (1) Whether this reference is bad for all or any of the reasons stated in the counter statement;
- (2) whether the Petitioner is entitled to be appointed as Maistry with back wages; and
- (3) to what relief are the parties entitled.

(5) Point No. 1.—It is true that the dispute was raised originally leading the reply by the Respondent under Ex. M-11 dated 28th September, 1978. The Assistant Commissioner of Labour, Madras sent a failure report under Ex. M-12. Thereupon, the Government under Ex. M-13 has declined to refer the dispute for adjudication. It is thereafter, a fresh dispute has been raised leading to reply of the Management under Ex. M-15 and ultimately resulting in this reference. Therefore, the Respondent contends that this reference is bad and therefore it is to be rejected. On the other hand, the petitioner in his reply statement contends that the original reference was rejected because there was no order of the Appellate Authority at that time and since the Appellate Authority has passed an order selecting him as Mazdoor, a fresh cause of action arose for reference to this Court.

(6) It is not correct, as alleged by the Petitioner in the reply to rejoinder that the denial of the reference under original reference was rejected because there was no order under Ex. W-11 dated 14th May, 1973. In fact, it is mentioned in Ex. M-13 that since the Petitioner refused to accept the employment offered to him, the Government refused to refer the dispute to the Tribunal. Therefore the order under Ex. W-11 has already been passed. But however, it must be remembered that it is open to the Government to reopen the matter and make reference afresh even though it might have been rejected by the Government earlier. There is no res judicata to entertain fresh complaint on the same matter or revise the original order on the same matter. Under these circumstances, I do not think this reference is made on this account. This point I find in favour of the Petitioner.

(7) Point No. 2.—There is no dispute in this case that the Petitioner Sri Rajangam has been selected under Ex. W-11, corresponding to Ex. M-9, the decision of the Appellate Authority as one of the listed workers on 14th May, 1973 and when the same was offered under Ex. W-13, dated 15th June, 1978, he did not join as Mazdoor, but he has been insisting upon being straight away appointed as Maistry under Ex. W-14, dated 31st July, 1978 and Ex. W-16, dated 20th April, 1979. It is true under Ex. M-2, temporary passes, issued to the Petitioner, he has been designated as Maistry, and who ever might have issued identity cards which is a necessary pre-requisite for appointment under the Scheme, he was also favoured with identity card Ex. W-5 showing that he is Maistry, but that itself will not give him appointment as Maistry. On the other hand, he must be selected by the Scrutiny or Selecting Committee for work study and again he must appear before the same Selecting Committee for appointment to the selected post. In fact, under Ex. W-1, which corresponds to Ex. M-1, dated 27th January, 1971, a settlement under Section 12(3) of the Industrial Disputes Act, it was agreed between parties, a workman who either holds a photo pass or a temporary harbour pass before February, 1970 or who can establish that he was a worker working in the port will be eligible for appearing before the Committee for selection as workman. In fact, under Ex. M-2, Administrative Committee passed also a resolution as follows :—

"It was further resolved that issue of additional identity card would be proceeded with only if the Union agree in writing to the following conditions :—

- (i) The issue of the identity cards does not entitle any worker for enrolment into the Scheme after the work study period;

(ii) the issue of identity cards does not bestow any right on the worker to obtain work during the period of work study except through the employer nor would it be the responsibility of the Scheme to provide work to him during the period;

(iii) in the event of the worker not being selected for enrolment in the Scheme at the end of the work study, no claim whatsoever will be made against the Administrative Body; and

(iv) the enrolment of workers will be solely on the basis of the regularity and quantum of work obtained by the worker during the period of work study."

It contemplates therefore selection for work study and also after the period of work study, further selection in this matter. No record is produced to show that Sri Rajangam appeared before any of these Committees at any point of time for his selection as worker or Maistry. It is only for the first time under Ex. W-11, dated 14th May, 1973, he has been selected among other 23 persons as one of the listed workers. Though under Ex. W-12, clause (16) of the Madras Port Clearing and Forwarding Labour (Regulation of Employment) Scheme, it is contemplated the Madras Dock Labour Board shall arrange for the classification of workers by categories in the registers, and the workers listed under the Scheme shall be classified into Maistries and Clearing and Forwarding Mazdoors, however, that has not been done by the Appellate Authority and he is only listed as worker. It is a point now to be decided whether he should be appointed as Maistry and if so from what date.

(8) It is now contended on behalf of the Management and is also especially stated in the counter statement of the respondent, that no body can be appointed as Maistry straightaway and that being of a post of staff, higher qualifications are fixed for the same. No document is produced to support the same. On the other hand, it is seen from Ex. W-8, dated 31st July, 1971, a resolution was passed by the Administrative Committee, consisting of representatives of Labour and Employer to the effect that 529 workers who were originally listed and in addition the workers as per list furnished by the different Unions will be scrutinised and according to their nature of employment with the respective employers, the number required will be selected to form the Pool. This resolution was passed as is seen from Ex. W-8 at the instance of one Sri A. S. K. that separate registers for Mazdoors and Maistries be maintained, during the work-duty as well as cards of different colours should be issued for them. It follows from this that men or workers are to be selected for work study in these various categories of Mazdoors and Maistries according to the nature of employment they hold under the respective Managements. The Petitioner admittedly having worked as Maistry as seen from Ex. W-2 series and Ex. W-5, he ought to have been selected only as Maistry in the absence of any specific qualification that is fixed for the post. However, as he failed to appear for the interview for selection of Maistries and Mazdoors in the first instance and undergo work study as contemplated by the terms of agreement, he could not have been selected as Maistry, but only as worker under Ex. W-11. However, in terms of the settlement or resolution as I said before under Ex. W-8, he must be certainly given the work that he was doing under his previous master and not a different worker now sought to be assigned to him. In fact, it is alleged in the claim statement that many of Mazdoors worked under him have become Maistries. He has also given the names of several persons who are acting as Maistries now. Though the Respondent has denied the same, it has not produced any document to show such persons in whose temporary passes, they are declared as Maistries and Mazdoors, are still working as Mazdoors. Under the circumstances, I have no hesitation to hold that Sri Rajangam by virtue of his post, he held as Maistry as evidenced under Ex. W-2 series will be entitled to be appointed as Maistry straight away, not Mazdoor.

(9) But however, he will not be entitled to be appointed so either at the time of the order of the Appellate Authority or any time before this Award to entitle him back wages as he missed the bus on his own fault. It has been as I said

before specifically agreed not only he must get selected for the post he was working earlier, but he must also undergo work study and again go for interview for selection as permanent Maistry. He did not appear before the Security Committee and he was quite content with the identity cards. At no time he brought before the Appellate Authority that he must be classified as Maistry and not enlisted among other listed workers as has been done in Ex. W-8. It is because of his fault, all these days, he could not get appointed as Maistry. Even if he has been selected only as Mazdoor under Ex. W-8 his bounden duty is to join as Mazdoor and work out his remedy to be appointed as Maistry subsequently and not keep quiet wasting time all these years claiming back wages. In any event, he has no right to be appointed as Maistry unless his own delay is condoned by this court and therefore he will be entitled to be appointed as Maistry only by virtue of the Award and not earlier and therefore he will not be also entitled to back wages prior to the date of Award. This point I find accordingly in favour of the Petitioner.

(10) Point No 3.—In the result an award is passed directing the Respondent to appoint Sri M. Rajangam as Maistry straight away without back wages. There will be no order as to costs, as both parties succeeded in part. Dated, the 31st day of October, 1983.

Sd/-

T. ARULRAJ, Presiding Officer

WITNESS EXAMINED

For Workmen }
For Management } None.

DOCUMENTS MARKED

- Ex. W-1.—28-1-71.—Settlement U/s. 12(3) of the I.I. between the Management of the Madras Customs Clearing and Shipping Agents Association, Madras their workmen.
- Ex. W-2.—Temporary passes issued by the Management to the workman.
- Ex. W-3/22-5-71.—Identity card issued to the workman
- Ex. W-4/28-5-71.—Identity Card issued to Sri M. Navaneethan.
- Ex. W-5/16-6-71.—Identity Card issued to Sri Rajangam.
- Ex. W-6/16-5-71.—Identity Card issued to Sri S. Natesan.
- Ex. W-7/2-8-71.—Letter from the Management to the Union.
- Ex. W-8/31-7-81.—Minutes of the meeting held in the Conference room.
- Ex. W-9/16-4-72.—Letter from M. Rajangam to the Management.
- Ex. 10/14-5-73.—Letter from the Madras Dock Labour Board to the Management.
- Ex. W-11/14-5-73.—Decision of the Appellate Authority.
- Ex. W-12.—Clause 16 of the M. P. Clearing and Forwarding Labour (Regulation of Employment) Scheme.
- Ex. W-13/15-6-78.—Letter from the Management to M. Rajangam.
- Ex. W-14/31-7-78.—Representation from M. Rajangam to the Management.
- Ex. W-15/7-4-73.—Letter from the Management to M. Rajangam.
- Ex. W-16/20-4-79.—Letter from M. Rajangam to the Management.
- Ex. W-17/20-23-1-79.—Letter from the Management to M. Rajangam.

Ex. W-18-18-4-82.—Letter from M. Rajangam to Shri Bhagwatjha Azad Minutes of State for Labour, Government of India, New Delhi.

Ex. W-19/21-5-82.—Central Government's reference referring the I.D. to the Industrial Tribunal, Madras

For Management.

Ex. M-1/27-1-71.—Settlement U/s. 12(3) of the I.D. Act, between the Management of the Madras Customs Clearing and Shipping Agents Association, Madras and their workmen.

Ex. M-2/20-7-71.—Letter from the Management to the Union.

Ex. M-3/1-3-72.—Letter from M. V. Lakshminarayanan to the Deputy Chairman, Madras Dock Labour Board.

Ex. M-4/13-3-72.—Letter from Madras Dock Labour Board to the Management.

Ex. M-5/10-4-72.—Letter regarding Scrutiny of Clearing and Forwarding Workers—Submission of report.

Ex. M-6/30-10-72.—Letter from the Management to the Madras Harbour Workers' Union.

Ex. M-7.—List workmen having identity card Nos. 1014 to 1044.

Ex. M-8.—List of workmen in A & B List of Scrutiny Committee.

Ex. M-9/14-5-73.—Report of the Appellate Authority.

Ex. M-10/2-4-74.—Award copy (typed copy) of Industrial Tribunals, Madras in I.D. No. 54/73.

Ex. M-11/28-9-78.—Letter from the Management to the Assistant Labour Commissioner. (Central).

Ex. M-12/22-11-78.—Conciliation Failure Report by the Assistant Labour Commissioner (C), Madras-1.

Ex. M-13/26-12-78.—Letter from the Ministry of Labour to the parties.

Ex. M-14/20-4-79.—Letter from the Management to M. Rajangam.

Ex. M-15/18-2-81.—Letter from the Management to the Regional Labour Commissioner, Central, Madras-6.

Sd/-

T. ARULRAJ, Presiding Officer

[No. L-33012(1)/80-D. IV(A)]

New Delhi, the 22nd November, 1983

S.O. 4430.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Madras in the industrial dispute between the employers in relation to the management of Bank of Madura Limited, Madras and their workmen, which was received by the Central Government on the 15th November 1983.

BEFORE THIRU T. ARULRAJ, B.A., B.L., PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, TAMIL NADU

MADRAS

(Constituted by the Government of India)
Monday, the 31st day of October, 1983

Industrial Dispute No. 14 of 1983

[In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the workmen and the Management of Bank of Madura Limited, Madras-2].

BETWEEN

The workmen represented by Shri B. Vasudevan, 64, Nallmadan Kovil Lane, North Masi Street, Madurai-625001.

AND

The Chairman, Bank of Madura Limited, 758, Mount Road, Madras-600002.

REFERENCE :

Order No. L-12012/27/82-D.IV(A), dated 7th February, 1983 of the Ministry of Labour, Government of India.

This dispute coming on for final hearing on Friday, the 28th day of October, 1983 upon perusing the reference, claim and counter statements and all other material papers on record and upon hearing the arguments of Sri P. T. Narayanan, District Secretary of All India Trade Union Congress, Madurai and Working Committee Member of Tamilnadu All India Trade Union Congress appearing for the workmen and of Thiru R. Arumugam, for Thiruvilargal Aiyar and Dolla, Advocates for the Management and this dispute having stood over till this day for consideration, this Tribunal made the following :—

AWARD

This dispute arising out of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947 by the Government of India in Order No. L-12012/27/82-D.IV(A), dated 7-2-1983 of the Ministry of Labour and Rehabilitation is in respect of non-employment of Shri B. Vasudevan.

2. According to the claim statement and rejoinder, the Petitioner Shri B. Vasudevan was continuously working in various branches of the Respondent-Management, Bank of Madura Limited at Madurai, on a daily wages of Rs. 5, from 7-11-1978 and has completed one year of continuous service in the Respondent-Bank. In fact, he has worked 36 days in 1978 at Sathamangalam, 110 days in 1979 in Sathamangalam, Goodshed, Lakshmipuram, Munichalai, Tallakulam and North Veli Branches, 260 days in all Branches except Sathamangalam in 1980 and 127 days in 1981 in Good Shed, Lakshmipuram, Munichalai, Sellur and Ponnagaram Branches of the Respondent's Bank. Hence altogether he has worked 533 days in the Respondent's Bank and continuously more than 240 days in 1980. He has been acting in the leave vacancies of attenders in various branches. In fact, the attenders in these branches are entitled to 12 days casual leave, 30 days privilege leave and one month medical leave in a year. In all the branches, 15 sub staffs are therefore entitled to 630 days in a year. So two additional sub staff is permanently required to meet the statutory leave of the sub staff. For that reason, the Respondent engaged the Petitioner as a sub staff (i.e.) attender in those branches. It is a permanent nature and not a casual nature as contended by the management. At para 20.7 of the Bipartite Settlement dated 26-9-1967, the temporary employees will mean a workman who has been appointed for a limited period of work which is of an essentially temporary nature or who is employed temporarily as an additional workman in connection with a temporary increase in work of a permanent nature and includes a workman other than a permanent workman who is appointed in a temporary vacancy caused by the absence of a particular permanent workman. Therefore this Petitioner is a temporary workman employed therein. While so, without any notice whatsoever, his services were terminated on 27-7-1981. Under the provisions of the Industrial Disputes Act, this Order of termination without notice is not valid as he worked more than 240 days in a year, without any notice or compensation. Even otherwise, under clause 20.12 of the Bipartite Settlement, which runs as follows :

"Other things being equal, temporary workman (other than godown-keeper) will be given preference for filling permanent vacancies and if selected they may have to undergo probation."

he will be entitled to be selected in preference to raw hands. In fact, after the termination of service of the Petitioner, the Respondent-Management has recruited nearly 50 new hands from outside. Under these circumstances the Petitioner will be entitled to reinstatement with back wages.

3. The Management-Bank, in its counter statement and reply statement, contend that this reference is incompetent and bad in law as the Petitioner was engaged only as a casual worker. Whenever the permanent sub staff of the branches in Madurai proceed on leave or absented on other grounds he was engaged in these vacancies. Thus the engagement was not made in the permanent vacancies. At no point of time, he was thus engaged for a period of more

than six months, continuously and he was paid wages for the actual number of days worked, through voucher then and there. He has worked only 30 days in Sathamangalam branch, in 1978, 82 days in 1979 in Goods Shed, Tallakulam, Munichalai, and Lakshmipuram branches, 150 days in 1980 in Goods Shed, Tallakulam, North Veli, Munichalai, Ponnagaram, Lakshmipuram and Sellur branches, 93 days in 1981 at Goods Shed, Munichalai, Ponnagaram, Lakshmipuram and Sellur together 355 days and never 240 days in any year as claimed by the Petitioner. He will not be therefore entitled to any relief under the provisions of the Industrial Disputes Act. The Petitioner cannot rely upon para 20.12 of the Bipartite Settlement. He was never appointed and was never working, as temporary employee of the Bank as per the said provisions. Therefore no duty is cast upon the Bank under the terms of the Bipartite settlement to absorb him. Under these circumstances, the Petitioner will not be entitled to any relief and this reference has to be rejected.

4. The points for determination in this case will be :—

(1) Whether the Petitioner will be entitled to re-employment and if so with back wages ; and

(2) to what relief are the parties entitled.

5. It is not disputed that the Petitioner WW-1 Shri B. Vasudevan was first employed as an attender in the leave vacancy on 7-11-1978 and having worked in the leave vacancies in various branches, he was ultimately discharged on 27-7-1981. WW-1 has stated so. MW-2 Sri M. Rathinam, now Manager, Neyveli Branch of Madura Bank, then Manager, Sathamangalam Branch has stated that in 1978, WW-1 was appointed by him in the leave vacancy of the last grade servant for 30 days and he has paid casual wages as seen at page 95 in Ex. M-8, photostat copy of the ledger. MW-3 Sri M. Muchalagappan, now Manager, Vellore Branch, then Manager, Lakshmipuram Branch states that WW-1 was working as casual worker for 19 days in 1979, 40 days in 1980 and 17 days in 1981 and his wages were paid as recorded in Ex. M-8. MW-1 Shri A. L. Chockalingam, now, Manager, Paramakudi, then Manager, Sellur Branch of the Management-Bank states that he appointed WW-1 in the leave vacancy in this branch and he worked 29 days in 1980 and 22 days in 1981 as is seen from Ex. M-3 series, receipts for payment of daily wages. Whatever may be the dispute therefore between the parties, it is not and it cannot be also disputed that in various spell of leave vacancies in various branches of the Respondent's Bank at Madurai, WW-1 worked from 7-11-1978 till 27-7-1981 as claimed by him as attender in the leave vacancies that arose every now and then in those branches. It is also not disputed that after the termination of the services of WW-1, according to WW-1, 50 persons have been directly selected and appointed for this post. In fact WW-1 states that even on 8-8-1981, one Sri Karupiah was appointed in Munichalai branch, where he last worked and one Sri Swaminathan in Sellur branch and thereafter one Sri Dorai Pandian in Thappakulam branch, Sri Baskaran in Goods Shed branch, Sri Syed Ibrahim in Vilaneudi branch and one Sri Theagarajan in Paramakudi branch. MW-1 admits appointment of one Sri Swaminathan in Sellur branch in 1981. MW-3 also admits that one Sri Karupiah, Sri Pandidurai, Sri Durai Pandian, Sri Syed Ibrahim and Sri Baskaran were newly appointed as attenders in Munichalai, Sellur, Thappakulam, Vilangudi, and Goods Shed branches, respectively, though he has his own doubt whether Sri Sounderapandian was appointed directly or he came to this branch on transfer. Whatever may be, after the termination of the services of WW-1, fresh attenders have been appointed permanently in the Bank. This also therefore cannot be challenged. The dispute is only as to the character of his employment (i.e.) whether temporary or casual and also whether he worked at any point of time for over 240 days as claimed by the Petitioner.

6. At the outset, I have to reject the claim of the Petitioner WW-1 herein that he worked 240 days at any time in any of the branches. Of course, he is not claiming to have worked more than 240 days in any branch at any point of time except in the year 1980. In spite of this claim for having worked 260 days in 1980 under the Respondent-Bank, he did not raise any murmur when he was discharged in 1980 and re-employed afresh in Goods Shed branch for 36 days in 1981. That itself will show that what he now states in his rejoinder statement not in the witness box that he worked 260 days in 1980 is not correct. Even if it is so, in as much as he has not claimed any right

under the provisions of the Industrial Disputes, for retrenchment compensation, he will be deemed to have forfeited the same, when without any murmur he has accepted re-employment in 1981. Even otherwise, no document is produced to show that he worked 260 days in 1980 as claimed by him. On the other hand, the evidence of MW-3 supported by Ex. M-8, photostat copy of ledger shows that he worked only 48 days in his branch, namely, Lakshmiapuram Branch and not 87 days as claimed by WW-1 in his rejoinder statement and not in the witness box. Equally, as stated by MW-1, he has worked only 29 days in Sellur Branch in 1980 and not 34 days as claimed by WW-7. That evidence is supported not only by Exs. M-1, M-2 and M-3 series, cash vouchers, but also Exs. M-6 to M-8, photostat copies of ledgers towards casual wages paid to WW-1, at the rate of Rs. 5 per day. I am satisfied therefore on the evidence of MWs-1 to 3 and also Exs. M-1, M-2 and M-3 series and Exs. M-6 to M-8 that at no point of time, WW-1 was working for a period of 240 days in any particular year. He will not be therefore entitled to the benefits under the provisions of the Industrial Disputes Act even if his termination is to be taken as retrenchment for want of vacancy.

7. However, I have no hesitation to hold that he is a temporary worker governed under the terms of bipartite settlement Ex. W-3. Nowhere it is defined what is the "casual worker" and "temporary worker in the Industrial Disputes Act, 1947". It is not defined even in Ex. W-3, the bipartite settlement, who is 'casual workers'. Whether W.W.1 was paid daily wages for the days he worked in the leave vacancies or he had been paid salary for the period he worked, it counts only wages and it will not in any event give the definition that he is only a casual worker, which perhaps Sri Arumugam, learned counsel for the Respondent Bank attempts to interpret as a "casual worker" for a period fixed and not temporary employee. On the other hand, as contended by Sri P. T. Narayanan, Union Leader, the temporary worker is defined under para 20.7 of the Bipartite Settlement, as one who had been appointed for a limited period for work which is of an essentially temporary nature or who is employed temporarily as an additional workman in connection with a temporary increase in work of a permanent nature and includes a workman other than a permanent workman who is appointed in a temporary vacancy caused by the absence of a particular permanent workman. As I said before, W.W.1 was working only in the leave vacancies of the permanent attenders in various branches and he will be certainly come within the definition of this clause as a temporary employee. This definition therefore directly fits with the kind of service or employment rendered by W.W.1 even on the admission of MWs.1 to 3. He is therefore a temporary employee as contended by Sri Narayanan, authorised representative of the Petitioner-Union.

8. Under para 20.12 of the Bipartite settlement Ex. W-3 "Other things being equal, temporary workman (other than godown-keeper) will be given preference for filling permanent vacancies and if selected they may have to undergo probation." W.W.1 being temporary employee as defined under para 20.7 of the Bipartite Settlement Ex. W-3, he will be entitled to preference in the employment of attenders permanently if other things are equal. In this case, after termination of services as I found earlier on the admission of both parties several persons have been appointed in these posts. Still W.W.1 was not called for interview nor he has been appointed in the permanent vacancies that arose after his termination as per the terms of the Bipartite Settlement Ex. W-3. The Respondent Bank ought to have therefore preferred him in this appointment, other things being equal. In as much as he was not called for interview, when the permanent vacancies arose, in the same post, other things being equal he will be certainly entitled to be appointed now without examination.

9. After the termination of services of W.W.1, about 50 persons as stated by W.W.1 have been appointed in this post, knowingly or unknowingly W.W.1 has been left out. If he has to be called for fresh interview for appointment as attender, to be weighed with 50 persons already recruited, it is likely that W.W.1 will be rejected as against these 50 persons, last of whom ought to be retrenched, if W.W.1 is preferred. In all probability therefore, the comparison of

merits and de-merits with other persons at this stage will be only mere farce and W.W.1 may not get the just relief he is entitled to. Therefore, though he is entitled only to preferential right, yet, to avoid other complications, he must be appointed immediately in the Bank without prejudice to the seniority of all those persons appointed before him. His right is only to preferential treatment in the appointment and in view of the fact that this preference which may be sometimes negated on other grounds is being now dispensed with, W.W.1 will be entitled to wages only from the date he gets appointment, not from the date, when he has been retrenched or terminated from service (i.e.) 27-7-1981. This point I find accordingly in favour of the Petitioner.

10. Point No. 3 : In the result, an award is passed directing re-employment of the Petitioner Sri B. Vasudevan permanently from the date of his re-employment without back wages. There will be no order as to costs in this dispute.

Dated, this 31st day of October, 1983.

T. ARULRAJ, Presiding Officer

WITNESSES EXAMINED

For worker

W.W.1—Sri B. Vasudevan.

For Management

M.W.1—Sri A. L. Chockalingam.

M.W.2—Sri M. Rathinam,

MW.3—Sri M. Muthu Alagappan.

DOCUMENTS MARKED

Ex. W-1/9-12-81—Letter from the workmen to the Management asking for employment.

Ex. W-2/13-9-82—Letter from the workmen to the Asstt. Labour Commissioner, Madras-6 fixing the dates of working by the Petitioner.

Ex. W-3—First, second and third Bipartite Settlements between I.B.A. and A.I.B.E.A

Ex. W-4/26-9-67—Settlement u/s 12(3) of the I.D. Act before the Regional Labour Commissioner.

Ex. W-5/26-4-74—Award passed by the Industrial Tribunal, Madras in I.D. No. 1/1973.

For Management.

Ex. M-1/1-12-78—Cash voucher for Rs. 60 towards casual wages paid to W.W.1.

Ex. M-2/31-12-78—Cash voucher for Rs. 30 towards casual wages paid to W.W.1.

Ex. M-3 (series)/10-3-79 etc.—Vouchers towards the wages paid to W.W.1.

Ex. M-4/18-10-82—Conciliation failure report of the Assistant Labour Commissioner (Central) Madras.

Ex. M-5/23-9-82—Letter from the Management to the Assistant Labour Commissioner (Central) Madras-6.

Ex. M-6/—Photostat copy of Profit and Loss Ledger.

Ex. M-7—Photostat copy of Profit and Loss Ledger casual wages paid.

Ex. M-8—Photostat copies of Profit and Loss Ledger towards casual wages paid.

T. ARULRAJ, Presiding Officer

[No. L-12012(27)/82-D.IV(A)]

S. S. PRASHER, Desk Officer.